



COMPENDIUM-1

THE LEGAL SERVICES AUTHORITIES ACT RULES REGULATIONS & NOTIFICATIONS



HARYANA STATE LEGAL SERVICES AUTHORITY

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HARYANA STATE LEGAL SERVICES AUTHORITY



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I
The Legal Services Authorities Act, 1987 (No. 39 of 1987)
[As amended by The Legal Services Authorities (Amendment)
Act, 1994 (No. 59 of 1994)]
and
[Legal Services Authorities (Amendment) Act, 2002 (No. 37 of 2002)]

The 11th October, 1987

The 29th October, 1994

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Be it enacted by Parliament in the thirty-eighth year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

- 1.** (1) This Act may be called the Legal Services Authorities Act, 1987. Short title, extent and commencement.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.
- (3) It shall come into force on such date¹ as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.
- 2.** (1) In this Act, unless the context otherwise requires,- Definitions.
- (a) ²“case” includes a suit or any proceeding before a court;
- (aa) “Central Authority” means the National Legal Services Authority constituted under Section 3;
- (aaa) “court” means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;

¹ Whole Act except Chapter III. Came into force on 9.11.1995, vide S.O.893 (E) dated 9.11.1995.

² Subs. by Act 59 of 1994 Sec.2, for clause (a) (w.e.f. 29.10.1994)

- (b) “District Authority” means a District Legal Services Authority constituted under Section 9;
- (bb) ³“High Court Legal Services Committee” means a High Court Legal Services Committee constituted under Section 8A;
- (c) “legal service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
- (d) “Lok Adalat” means a Lok Adalat organized under Chapter- VI;
- (e) “notification” means a notification published in the Official Gazette;
- (f) “prescribed” means prescribed by rules made under this Act;
- (ff) ⁴“regulations” means regulations made under this Act;
- (g) “scheme” means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;
- (h) “State Authority” means a State Legal Services Authority constituted under Section 6;
- (i) “State Government” includes the administrator of a Union territory appointed by the President under article 239 of the Constitution.
- (j) “Supreme Court Legal Services Committee” means the Supreme Court Legal Services Committee constituted under Section 3A;
- (k) “Taluk Legal Services Committee” means a Taluk Legal Services Committee constituted under Section 11A.

(2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

³ Ins. by Act 59 of 1994, sec.2(w.e.f. 29.10.1994)

⁴ Ins. by Act 59 of 1994, sec.2(w.e.f. 29.10.1994)

CHAPTER II

The National Legal Services Authority

⁵3. (1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act.

Constitution of
the National
Legal Services
Authority.

- (2) The Central Authority shall consist of –
- (a) the Chief Justice of India who shall be the Patron-in- Chief;
 - (b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
 - (c) such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.

(3) The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the Member Secretary of the Central Authority, possessing such experience and qualification as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

(4) The terms of office and other conditions relating thereto, of members and the Member Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.

(6) The Officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.

⁵ Ins. by Act 59 of 1994, sec.3, for section 3 (w.e.f. 29.10.1994)

(8) All orders and decisions of the Central Authority shall be, authenticated by the Member-Secretary or any other officer of the Central Authority duly authorized by the Executive Chairman of that Authority.

(9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

Supreme Court
Legal Services
Committee.

3A. (1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.

(2) The Committee shall consist of –

- (a) a sitting Judge of the Supreme Court who shall be the Chairman; and
- (b) such number of other members possessing such experience and qualifications as may be prescribed by the Central Government,

to be nominated by the Chief Justice of India.

(3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

Functions of the
Central Authority.

4. The Central Authority shall [****]⁶ perform all or any of the following functions, namely: -

- (a) lay down policies and principles for making legal services available under the provisions of the Act;
- (b) frame the most effective and economical schemes for the purpose of making legal services available under the

⁶ The words “subject to the general directions of the Central Government” omitted by Act 59 of 1994 sec. 4, (w.e.f. 29.10.1994).

provisions of this Act;

- (c) utilize the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
- (e) organize legal aid camps, especially in rural area, slums or labour colonies with the dual propose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats.
- (f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- (i) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (j) ⁷provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;
- (k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;
- (l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative

⁷ Subs. by Act 59 of 1994 sec.4, for clause (j) (w.e.f 29.10.1994).

programmes and measures;

- (m) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) coordinate and monitor the functioning of State⁸ Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social services institutions and other legal services organization and give general directions for the proper implementation of the legal services programmes.

Central Authority
to work in
Coordination
with other
agencies.

5. In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

CHAPTER III

State Legal Services Authority

Constitution of
State Legal
Services
Authority.

6. (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.

(2) A State Authority shall consist of-

- (a) the Chief Justice of the High Court who shall be the Patron-in-Chief;
- (b) a serving or retired Judge of the High Court to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
- (c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member Secretary of the State Authority, to exercise such powers and perform such

⁸ Subs. by Act 59 of 1994, sec.4, for "state and District Authorities and other voluntary social welfare institution" (w.e.f. 29.10.1994).

⁹ Subs. by Act 59 of 1994, sec.5, for section 6 (w.e.f. 29.10.1994).

duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority:

Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub-section, for a period not exceeding five years.

(4) The terms of office and other conditions relating thereby, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.

(6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary or any other officer of the State Authority shall be defrayed out of the consolidated fund of the State.

(8) All orders and decisions of the State Authority shall be authenticated by the Member Secretary or any other officer of the State Authority duly authorized by the Executive Chairman of the State Authority.

(9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.

7. (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.

Functions of the
State Authority

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:-

- (a) give legal service to persons who satisfy the criteria laid down under this Act;
- (b) conduct Lok Adalats, including Lok Adalats for High Court cases¹⁰;

¹⁰ Subs. by Act 59 of 1994, sec.6, for "Lok Adalats" (w.e.f. 29.10.1994).

- (c) undertake preventive and strategic legal aid programmes; and
- (d) perform such other functions as the State Authority may, in consultation with the Central Authority¹¹, fix by regulations.

¹²8. In the discharge of its functions the State Authority shall appropriately act in coordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing.

8A. (1) The State Authority shall constitute a committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.

(2) The Committee shall consist of-

- (a) a sitting Judge of the High Court who shall be the Chairman; and
- (b) such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority.

to be nominated by the Chief Justice of the High Court.

(3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the State Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

¹¹ Subs. by Act 59 of 1994, sec.6, for Central Government" (w.e.f. 29.10.1994).

¹² Subs. by Act 59 of 1994, sec.7, for section 8 (w.e.f. 29.10.1994).

¹³
9. (1) The State Government shall, in consultation with Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.

Constitution of
District Legal
Services
Authority.

(2) A District Authority shall consist of-

- (a) the district Judge who shall be its Chairman; and
- (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

(4) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.

(5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorized by the Chairman of that Authority.

(9) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

¹³ Subs. by Act 59 of 1994, sec. 7, for section 9 (w.e.f. 29.10.1994).

Functions of
District Authority.

10. (1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:-

- (a) ¹⁴coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;
- (b) organize Lok Adalats within the District; and
- (c) perform such other functions as the State Authority may [****]¹⁵ fix by regulations.

District Authority act in coordination with other agencies and be subject to directions given by the Central Authority, etc.

11. In the discharge of its functions under this act, the District Authority shall, wherever appropriate act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

Taluk Legal Services Committee.

1611A. (1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals.

(2) The Committee shall consist of ---

- (a) the “senior most judicial officer”¹⁷ operating within the jurisdiction of the Committee who shall be the ex- officio Chairman; and
- (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with Chief Justice of the High Court.

(3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with Chief Justice of the High Court for the efficient discharge of its functions.

(4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with Chief

¹⁴ Subs. by Act 59 of 1994, sec.8, for clause (a) (w.e.f. 29.10.1994).

¹⁵ The words “in consultation with the State Government”, omitted by Act 59 of 1994, sec.8 (w.e.f. 29.10.1994).

¹⁶ Ins. by Act 59 of 1994, sec.9 (w.e.f. 29.10.1994).

¹⁷ Subs. by Act 37 of 2002, sec.2, for “senior Civil Judge” (w.e.f. 11.6.2002).

Justice of the High Court,

(5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

11B. The Taluk Legal Services Committee may perform all or any of the following functions, namely:-- Functions of Taluk Legal Services Committee.

- (a) coordinate the activities of legal services in the taluka;
- (b) organize Lok Adalats within the taluk; and
- (c) perform such other functions as the District Authority may assign to it.

CHAPTER IV

Entitlement to Legal Services

12. Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is— Criteria for giving legal services.

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or beggar as referred in article 23 of the Constitution;
- (c) a woman or a child;
- (d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995¹⁸.
- (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial workman; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning clause (g) of section 2 of the Mental Health Act, 1987; or
- (h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the

¹⁸ Subs. by Act 1 of 1996, sec.74, for clause (d) (w.e.f . 7.2.1996)
Subs. by Act 59 of 1994, sec.10, for clause (h) (w.e.f. 29.10.1994)

Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

Entitlement of legal services.

13. (1) Persons who satisfy or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima-facie case to prosecute or to defend.

(2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

CHAPTER V

Finance, Accounts and Audit

Grants by the Central Government.

14. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

National Legal Aid Fund.

15. (1) The Central Authority shall establish a fund to be called the National Legal Aid fund and there shall be credited thereto—

- (a) all sums of money given as grants by the Central Government under section 14;
- (b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;
- (c) any amount received by the Central Authority under the orders of any court or from any other source.

(2) The National Legal Aid Fund shall be applied for meeting—

- (a) the cost of legal services provided under this Act including grants made to State Authorities;
- (b) the cost of legal services provided by the Supreme Court Legal Services Committee;
- (c) any other expenses which are required to be met by the Central Authority.¹⁹

State Legal Aid Fund

16. (1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto —

¹⁹ Subs. by Act 59 of 1994, sec.11, for clause (b) (w.e.f. 29.10.1994).

- (a) all sums of money paid to it or any grants made by the Central Authority for the purposes of this Act;
- (b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;
- (c) any other amount received by the State Authority under the orders of any court or from any other source.

(2) A State Legal Aid Fund shall be applied for meeting—

- (a) the cost of functions referred to in section 7;
- (b) the cost of legal services provided by the High Court Legal Services Committees;
- (c) any other expenses which are required to be met by the State Authority.²⁰

17. (1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto— District Legal Aid Fund.

- (a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;
- (b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act;
- (c) any other amount received by the District Authority under the orders of any court or from any other source.²¹

(2) A District Legal Aid Fund shall be applied for meeting—

- (a) the cost of functions referred to in section 10 and 11B²²;
- (b) any other expenses which are required to be met by the District Authority.

18. (1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as 'the Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of Accounts and Audit.

²⁰ Subs. by Act 59 of 1994, sec.12, for clause (b) (w.e.f. 29.10.1994)

²¹ Subs. by Act 59 of 1994, sec.13, for clause (b) (w.e.f. 29.10.1994)

²² Ins. by Act 59 of 1994, sec. 13, (w.e.f.29.10.1994).

India.

(2) The accounts of the Authorities shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

²³(5) The Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each house of Parliament.

(6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.

CHAPTER VI

Lok Adalats

19. (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organized for an area shall consist of such number of-

- (a) serving or retired judicial officers; and
- (b) other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat.

²³ Ins. by Act 59 of 1994, sec.14 (w.e.f. 29.10.1994).

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of and is not brought before, any court for which the Lok Adalat is organized:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

²⁴20. (1) Where in case referred to in clause (i) of sub-section (5) of section-19.

Cognizance of cases by Lok Adalats.

- (i) (a) the parties thereof agree; or
- (b) one of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

²⁴ Subs. by Act 59 of 1994, sec.15, for section 20 (w.e.f 29.10.1994).

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

(7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).

Award of Lok
Adalat 7 of 1870.

21. ²⁵(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870.

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

Powers of Lok
Adalats 5 of 1908.

22. (1) The Lok Adalat “or Permanent Lok Adalat”²⁶ shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document;
- (c) the reception of evidence on affidavits;
- (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and

²⁵ Sub. by Act 59 of 1994, sec. 16, for sub-section (1) (w.e.f. 29.10.1994).

²⁶ Added by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

(e) such other matters as may be prescribed

(2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat “or Permanent Lok Adalat” shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

(3) All proceedings before a Lok Adalat “or Permanent Lok Adalat” shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

CHAPTER VIA

Pre-Litigation Conciliation and Settlement

22A. In this Chapter and for the purpose of sections 22 and 23, unless the context otherwise requires;-

(a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;

(b) “public utility service” means any-

- (i) transport service for the carriage of passengers or goods by air, road or water; or
- (ii) postal, telegraph or telephone service; or
- (iii) supply of power, light or water to the public by any establishment; or
- (iv) system of public conservancy or sanitation; or
- (v) service in hospital or dispensary; or
- (vi) Insurance service.
- (vii) Housing and Estates²⁷
- (viii) Banking and Financial²⁸
- (ix) Education or Educational Institutions²⁹
- (x) Housing & Real Estate³⁰
- (xi) Supply of new connection of LPG or refills or its connected matter.³¹

²⁷ Notified by Haryana Government vide Notification No.20/1/2009-4JJ(1) dated 19.5.2009.

²⁸ Notified by Haryana Government vide Notification No.20/1/2009-4JJ(1) dated 19.5.2009.

²⁹ Notified by Ministry of Law and Justice Government of India vide notification No.S.O.495(E)dated 16.2.2016.

³⁰ Notified by Ministry of Law and Justice Government of India vide Notification No.S.O.495(E)dated 16.2.2016.

³¹ Notified by Haryana Government vide Notification No.S.O.-37/C.A. 39/1987/S. 22A/2017 dated 19th May, 2017.

and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this chapter.

Establishment of
Permanent Lok
Adalats.

22B. (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of –

- (a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
- (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority,

appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

Cognizance of
cases by
Permanent Lok
Adalat.

22C. (1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall not have jurisdiction in the matter where the value of the property in dispute exceeds one crore rupees³²:

Provided also that the Central Government, may, by notification, increase the limit of “one crore rupees” specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under

³² Substituted vide notification No.S.O.803(E) dated 20.3.2015 by Ministry of Law and Justice Government of India.

sub-section (1), it—

- (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;
- (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
- (c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

Procedure of Permanent Lok Adalat 5 of 1908, 1 of 1872.

22D. The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908(1 of 1872) and the Indian Evidence Act, 1872(5 of 1908).

Award of Permanent Lok Adalat to be final.

22E. (1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

(2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

(5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court”.

CHAPTER VII

Miscellaneous

Members and staff of Authorities, Committees and Lok Adalats to be public servants 45 of 1860.

³³**23.** The members including Member-Secretary or, as the case may be, Secretary of the Central Authority, the State Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committee, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees “and the Members of the Lok Adalats or the persons Constituting Permanent Lok Adalats”³⁴ shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

24. No suit, prosecution or other legal proceedings shall lie against—

- (a) the Central Government or the State Government;
- (b) the Patron-in-Chief, Executive Chairman, Members or Member Secretary or officers or other employees of the Central Authority;
- (c) Patron-in-Chief, Executive Chairman, Member, Member Secretary or officers or other employees of the State Authority;

³³ Subs. by Act 59 of 1994, sec. 17, for sections 23 and 24 (w.e.f. 29.10.1994).

³⁴ Substituted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

- (d) Chairman, Secretary, Members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority; or
- (e) Any other person authorized by any of the Patron-in-Chief, Executive Chairman, Chairman, Member, Member Secretary referred to in sub-clauses (b) to (d), for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made thereunder.

25. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Act to have over-riding effect.

26. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

³⁵**27.** (1) The Central Government, in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act. Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the number, experience and qualifications of other members of the Central Authority under clause (c) of sub-section (2) of section 3;
- (b) the experience and qualifications of the Member Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;
- (c) the terms of office and other conditions relating thereto, of Members and Member Secretary of the Central Authority under sub-section (4) of section 3;
- (d) the number of officers and other employees of the Central Authority under sub-section (5) of section 3;
- (e) the conditions of service and the salary and allowances

³⁵ Subs. by Act 59 of 1994, sec.18, for sections 27, 28 and 29 (w.e.f. 29.10.1994).

of officers and other employees of the Central Authority under sub-section (6) of section 3;

- (f) the number, experience and qualifications of Members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A;
- (g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3A;
- (h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (i) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court;
- (j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section 18;
- (k) the experience and qualifications of other persons of the Lok Adalats organized by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (1) of section 22;
- (m) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B³⁶,

Power of State Government to make rules.

28. (1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

- (a) the number, experience and qualifications of other Members of the State Authority under clause (c) of sub-section (2) of section 6;
- (b) the powers and functions of the member Secretary of the

³⁶ Inserted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

- State Authority under sub-section (3) of section 6;
- (c) the terms of office and other conditions relating thereto, of Members and Member Secretary of the State Authority under sub-section (4) of section 6;
 - (d) the number of officers and other employees of the State Authority under sub-section (5) of section 6;
 - (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6;
 - (f) the experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8A;
 - (g) the number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
 - (h) the number, experience and qualifications of Members of the District Authority under clause (b) of sub-section (2) of section 9;
 - (i) the number of officers and other employees of the District Authority under sub-section (5) of section 9;
 - (j) the conditions of service and the salary and allowances of officers and other employees of the District Authority under sub-section (6) of section 9;
 - (k) the number, experience and qualifications of Members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of section 11A;
 - (l) the number of officers and other employees of Taluk Legal Services Committee under sub-section (3) of section 11A;
 - (m) the conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section (4) of section 11A;
 - (n) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before a court, other than the Supreme Court;
 - (o) the experience and qualifications of other persons of the

Lok Adalats other than referred to in sub-section (4) of section 19;

(p) any other matter which is to be, or may be, prescribed.

Power of Central Authority to make regulations.

29. (1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made there under, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:--

- (a) the powers and functions of the Supreme Court Legal Services Committee under sub-section (1) of section 3A;
- (b) the terms of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section 3A.

Power of State Authority to make regulations.

29A. (1) The State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made there under to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely:--

- (a) the other functions to be performed by the State Authority under clause (d) of sub-section (2) of section 7;
- (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of section 8A;
- (c) the number, experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A;
- (d) the terms of office and other conditions relating thereto, of the Members and Secretary of the High Court Legal Services Committee under sub-section (4) of section 8A.;
- (e) the terms of office and other conditions relating thereto, of the Members and Secretary of the District Authority under sub-section (4) of section 9;
- (f) the number, experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A;

- (g) the other functions to be performed by the District Authority under clause (c) of sub-section (2) of section 10;
- (h) the terms of office and other conditions relating thereto, of the Members and Secretary of the Taluk Legal Services Committee under sub-section (3) of section 11A;

30. (1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority there under shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of rules and regulations.

(2) Every rule made under this Act by a State Government and every regulation made by a State Authority there under shall be laid, as soon as may be after it is made, before the State Legislature.

II

THE HARYANA STATE LEGAL SERVICES AUTHORITY RULES, 1996

Haryana Government Notification No. G.S.R. 16/C.A. 39/1987/S. 28/96¹.—In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994), the Government of Haryana hereby makes the following rules regulating the constitution of Legal Services Authorities namely:--

1. Short title and commencement.—(1) These rules may be called “The Haryana State Legal Services Authority Rules, 1996.”

(2) They shall come into force on the date of their publication in the Haryana Government Gazette.

CHAPTER—I

DEFINITIONS

2. In these rules unless the context otherwise requires,--

- (a) “Act” means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) as amended by Legal Services Authorities Act, 1987 (Central Act No. 59 of 1994);
- (b) “Chairman” means the Executive Chairman of the State Authority, or the Chairman of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be;
- (c) Omitted^{**}.
- (d) “District Authority” means the District Legal Services Authority constituted under Section 9 of the Act;
- (e) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under Section 8A of the Act;
- (f) “Joint Member Secretary” means the person so appointed as the Joint Member Secretary of the State Authority under rule 8;
- (g) “Member” means the member of the State Authority appointed under Section 6(2)(c); member of the District Authority appointed under Section 9(2); member of the High Court Legal Services Committee appointed under Section 8A(2) and member of the Sub-Divisional Legal Services Committee appointed under Section 11A(2) (b) of the Act, as the case may be;

¹ Published in Haryana Government Gazette on May 21, 1996 (VYSK 31, 1918 Saka).

- (h) “Member Secretary” means the Member-Secretary of the State Legal Services Authority appointed under Section 6 of the Act;
- (i) “Schedule” means schedules appended to these rules;
- (j) “Section” means the Section of the Act;
- (k) “Secretary” means the Secretary of the High Court Legal Services Committee constituted under Section 8A of the Act, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act;²
- (l) “State Authority” means the State Legal Services Authority constituted under Section 6(1) of the Act;
- (m) “Sub-Divisional Legal Services Committee” means the committee constituted under Section 11A of the Act;
- (n) All other words and expressions used in these rules but not defined shall have the meaning, respectively assigned to them in the Act.

CHAPTER II

HARYANA LEGAL SERVICES AUTHORITY

- 3. The State Authority shall consist of the following namely:--
 - (i). Chief Justice of High Court of Punjab and Haryana as the Patron-in-Chief;
 - (ii) Executive Chairman of the Haryana State Authority;
 - (iii) the Secretary in the Department of Administration of Justice;
 - (iv) the Secretary in the Department of Finance;
 - (v) the Secretary in the Department of Law and Legislative;
 - (vi) the Advocate General of the Haryana State;
 - (vii) the Director General of Police of the State of Haryana;
 - (viii) the Chairman, Bar Council of Haryana and Punjab;
 - (ix) the Director, Public Relations Department, Haryana;
 - (x) two Chairman of the District Authority as may be nominated by the State Government in consultation with the Chief Justice of Punjab and Haryana High Court;

² Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

(xi) Member-Secretary of the State Authority.

(2) The State Authority shall have the following nominated members in consultation with the Chief Justice of Punjab and Haryana High Court:--

- (i) One Representative of Women;
- (ii) One representative of Scheduled Castes;
- (iii) Dean/Chairman, Department of Law, M.D. University/
Kurukshetra University.

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court of Punjab and Haryana, two persons as specified in sub-rule 2(i) & 2(ii) of this rule from amongst those possessing the qualifications and experience prescribed in sub-rule (4) of this rule.

(4) A person shall not be qualified for nomination as a member of the State Authority unless he is—

- (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Children, Rural and Urban Labour;

OR

- (b) an eminent person in the field of law;

OR

- (a) a person of repute who is specially interested in the implementation of the Legal Services Schemes.
- (b) The number if members of State Authority shall not exceed fifteen.

(5) The Headquarter of the State Authority shall be located at the seat of the High Court of Punjab and Haryana or at Panchkula.

4. Terms of office and other conditions relating thereto of members of State Authority.-

(1) The Members of the State Authority nominated under sub-rule (1) (x) and (2) of rule 3 by the State Government shall continue for a term of two years and shall be eligible for renomination.

(2) A member of the State Authority nominated under sub-rules (1) (x) and (2) of rule 3 may be removed by the State Government in consultation with the Chief Justice of Punjab and Haryana High Court if in the opinion of State Government, he is not desirable to continue as a member.

(3) If any member nominated under sub-rules (1) (x) and (2) of rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled in, in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.

(4) All members, nominated under sub-rules (1) (x) and (2) of rule 3, shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the State Authority and shall be paid by the State Authority in accordance with the rules as are applicable to the Group “A” officers, as amended from time to time.

(5) If the nominated member is a Government employee, he shall be entitled to claim travelling allowance and daily allowance from his parent department.

CHAPTER III

MEMBER SECRETARY

5. (1) There shall be a Member Secretary of the Haryana State Legal Services Authority in terms of Section 6 or its provision who will be appointed by the Government in consultation with the Chief Justice of the Punjab and Haryana High Court on the recommendations of the Executive Chairman of the Haryana State Legal Services Authority.

6. The powers and functions of the Member Secretary of the State Authority- The powers and functions of the Member Secretary of the State Authority, inter alia, shall be –

- (a) to give free legal services to the eligible and weaker sections;
- (b) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority, and ensure their effective monitoring and implementation;
- (c) to exercise the powers in respect of Administrative, Housekeeping, finance and Budget matters as Head of the Department in the State Government;
- (d) to manage the properties, records and funds of the State Authority;
- (e) to maintain true and proper account of the State Authority including checking and auditing in respect thereof periodically;
- (f) to prepare Annual Income and Expenditure Account and Balance-sheet of the said Authority;
- (g) to liaison with the Social Action Groups and District and Sub- Divisional Legal Services Authorities/Committees;

- (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;
- (i) to process proposals for financial assistance and issue Utilization Certificates thereof;
- (j) to organize various Legal Services Programmes as approved by the State Authority and convene Meeting/Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
- (k) to produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes;
- (l) to lay stress on the resolution of Rural Disputes and to take extra measure to draw schemes for effective and meaningful legal services for settling Rural Disputes at the door steps of the rural people;
- (m) to perform such of the functions as are assigned to him under the Schemes formulated under section 4(b) of the Act; and
- (n) to perform such other functions as may be expedient for efficient functioning of the State Authority.

7. The terms of office and other conditions relating thereof Member-Secretary of the State Authority –

- (1) The Member Secretary of the State Authority shall be the whole time employee and shall hold office for a term not exceeding five years.
- (2) The Member Secretary of the State Authority shall be the Head of the office.
- (3) In all matters like age of retirement, pay and allowances, benefits and entitlements, and disciplinary matters, the Member Secretary shall be governed by the State Government Rules and he shall be on deputation to the State Authority.

CHAPTER IV

8. Joint Member Secretary of the State Legal Services Authority.-- With a view to smooth functioning of the State Authority the State Government may on the recommendation of the Executive Chairman of the State Authority appoint one Joint Member Secretary of the State Authority who shall not be below the rank of Senior Subordinate Judge or Chief Judicial Magistrate.

9. The number of officers and other employees of the State Authority,--

(1) The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule I to these rules or as may be notified by the State Government from time to time.

(2) On constitution of the State Authority, existing staff of the Haryana State Legal Service and Advice Committee as specified in Schedule II shall stand transferred to the said State Authority.

10. The conditions of service and the salary and allowances of officers and other employees of the State Authority,--

(1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule I to these rules or at par with the State Government employees holding equivalent posts;

(2) In all matters like age of retirement, pay and allowances, benefits and entitlement and disciplinary matters, the officers and other employees of the State Authority shall be governed by the State Government Rules as are applicable to person holding equivalent posts.

(3) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

Explanation.—The words “allowances”, “benefits”, “entitlement” and “facilities” occurring in sub-rules (1), (2) and (3) shall be deemed to include the entitlement to gratuity, provident fund, housing, medical benefits, pension, group insurance and such other benefits as are available to employees of the State Government holding equivalent posts.”³.

CHAPTER V

11. Omitted.⁴

CHAPTER VI

HIGH COURT LEGAL SERVICES COMMITTEE

12. Omitted.⁵

13.⁶ Experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8A .— A person shall

³ Added by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

⁴ Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

⁵ Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

⁶ Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I), dated 12-7-2001.

not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is a member of the Punjab/Haryana Superior Judicial Service;

Provided that if no suitable person is available from amongst the members of the Punjab/Haryana Superior Judicial Service then an officer of the High Court not below the rank of Joint Registrar shall be eligible for appointment as Secretary of the aforesaid Committee.

14. The Composition of, and the experience and qualifications of the members of the High Court Legal Services Committee, shall be laid down by regulations made by the State Authorities of both the States.

CHAPTER VII

DISTRICT AUTHORITY

15. There shall be a District Legal Services Authority of each district in the State of Haryana.

- (1) The District Legal Services Authority shall have not more than eight members.
- (2) The following shall be ex-officio members of the District Legal Services Authority:--
 - (i) District and Sessions Judges as Chairman;

“Provided that where there is no District & Sessions Judge posted at the seat of headquarters of a district (as distinguished from a sessions division), in such eventuality the Senior Most Additional District & Sessions Judge/Senior Most Judicial Officer, as the case may be, posted there, shall be the Chairman of the District Legal Services Authority.”⁷

- (ii) District Magistrate;
- (iii) “Commissioner of Police/Superintendent of Police:

Provided that where Commissioner of Police is the Head of Police Force in a District the Commissioner of Police shall be the ex-officio member of District Legal Services Authority”⁸

- (iv) District Attorney;
- (v) Chief Judicial Magistrate/Additional Chief Judicial Magistrate/Senior Most Judicial Magistrate shall be Secretary⁹”.

⁷ Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I) dated 19-10-2000.

⁸ Substituted by Haryana Government vide notification No.S.O.45/C.A.39/1987/S.28/2009 dated 29.5.2009.

⁹ Substituted by Haryana Government vide notification No.S.O.45/C.A.39/1987/S.28/2009 dated 29.5.2009.

(3) The following shall be the nominated members:--

- (a) One Social Worker; and
- (b) One Representative of Women.

(4) The State Government may nominate in consultation with the Chief Justice of the High Court of Punjab and Haryana, two persons as specified in sub-rule (3) of this rule from amongst those possessing the qualifications and experience prescribed in sub-rule (5) of this rule.

(5) A person shall not be qualified for nomination as a member of the District Legal Services Authority unless he is –

- (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Children and Rural Labour; or
- (b) an eminent person in the field of law; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

16. The number of officers and other employees of the District Legal Services Authority. –

(1) The District Legal Services Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule-I, Part-II to these Rules or as may be notified by the State Government from time to time.

(2) On constitution of the District Authority, the existing staff of the District Level Legal Services and Advice Committees as specified in Schedule-II, Part-II shall stand transferred to the said District Authorities.

17. The conditions of service and the salary and allowances of the officers and other employees of the District Legal Services Authority:-

(1) The officers and other employees of District Legal Services Authority shall be entitled to draw pay and allowances in the scale of pay indicated each against post in the Schedule-I, Part-II to these rules or at par with the State Government Employees holding equivalent posts.

(2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the District legal Services Authorities shall be governed by the State Government rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of District Legal Services Authority shall be entitled such other facilities, allowances and benefits as may be notified by the State Government from time to time.

Explanation,-- The words “allowances”, “benefits”, “entitlement” and “facilities” occurring in sub-rule (1), (2) and (3) shall be deemed to include the entitlement to gratuity, provident fund, housing, medical benefits, pension, group insurance and such other benefits as are available to the employees of the State Government, holding equivalent posts¹⁰.

CHAPTER VIII

SUB-DIVISIONAL LEGAL SERVICES COMMITTEE

18. The number, experience and qualifications of members of the Sub-divisional Legal Services Committee.—

(1) The Sub-Divisional Legal Services Committee shall have not more than six members.

(2) The following shall be ex officio members of the Sub-Divisional Legal Services Committee: -

- (i) ¹¹“Senior most Judicial Officer” of the Sub-Divisional as Chairman;
- (ii) Sub-Divisional Officer (Civil);
- (iii) Deputy Superintendent of Police;
- (iv) Civil Judge (Junior Division)”.

(3) The following shall be the nominated members:--

- (a) One Social Worker; and
- (b) One Representative of Women.

(4) The State Government may nominate in consultation with the Chief Justice of the High Court of Punjab and Haryana, two persons as specified in sub-rule (3) of this rule from amongst those possessing the qualifications and experience prescribed in sub-rule (5) of this rule.

(5) A person shall not be qualified for nomination as a member of the Sub-Divisional Legal Services Committee unless he is –

- (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Children and Rural Labour; or
- (b) an eminent person in the field of law; or
- (c) a person of repute who is specially interested in the

¹⁰ Inserted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

¹¹ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

implementation of the Legal Services Schemes.

¹²Note-- For the time being no clerical or ministerial staff shall be given. The existing staff of the “Senior most Judicial Officer of the Sub-Division shall look” after the work of the Sub-Divisional Legal Services Committee.

CHAPTER IX

ENTITLEMENT OF LEGAL SERVICE

19. Entitlement to Legal Service.-- Any citizen of India whose annual income from all sources does not exceed Rs.3,00,000 (Rupees three lacs)¹³ or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services under clause (h) of Section 12 of the Act:

The State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and the Sub-Divisional Legal Services Committee, as the case may be, may grant legal services to any other person irrespective of his income:-

- (a) To a member of Scheduled Caste or Scheduled Tribe or Backward Classes;
- (b) To a victim of trafficking in human beings or beggar as referred in Article 23 of the Constitution;
- (c) To a woman;
- (d) To a child, i.e. person who has not attained the age of 18 years or if he is under the guardianship under the Guardians and Wards Act, 1890 the age of 21 years;
- (e) ¹⁴To a person with disability as defined in clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (1) of 1996);
- (f) To a person, under circumstances of undeserved want such as being victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (g) To an industrial workman; or
- (h) ¹⁵To a person in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral

¹² Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I) dated 2-8-2000.

¹³ Substituted by Haryana Government vide notification No. 20/15/2009-4JJ(I) dated 25.6.2012.

¹⁴ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2.8.2002.

¹⁵ Substituted by Haryana Government vide notification No. 20/27/87-4JJ(I) dated 13.11.2002.

Traffic (Prevention) Act, 1956, or in a “children’s home, observation home, shelter home and special home within the meaning of clauses (e), (o), (u) and (v) respectively of section 2 of Juvenile Justice (Care and Protection of Children) Act, 2000.

- (i) To a person in a psychiatric hospital or psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987; or
- (j) In a test case, the decision of which is likely to effect cases of numerous other persons belonging to the poor and weaker sections of the society; or
- (k) To a person, in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal service where the means test is not satisfied; or
- (l) To a person in the case where the High Court or the Supreme Court provides legal service under any order in that case legal service would be deemed to have been provided by the Authority/Committee in relaxation of all the conditions laid down in this rule; or
- (m) To a person in case of public interest litigation.”
- (n) ¹⁶To an ex-serviceman, and the families of such persons who have died in action; or
- (o) ¹⁷To riot victims, and the families of such persons as well as terrorist victims and families of such persons; or
- (p) ¹⁸To freedom fighters.
- (q) ¹⁹Transgender people.
- (r) ²⁰Senior Citizen that is person who is citizen of India and has attained the age of 60 years or above.
- (s) ²¹HIV positive persons or AIDS patients.

20. Matters on which Legal Service is admissible.—

(1) Free legal aid may be obtained in any court of law upto the Supreme Court and in any Tribunal, Revenue Court as well as all departments of Government and other bodies discharging quasi-judicial functions.

(2) The legal aid is available in all civil, criminal, revenue and

¹⁶ Inserted by Haryana Government vide notification No.20/17/2000-4JJ(I) dated 3.3.2006.

¹⁷ Inserted by Haryana Government vide notification No.20/17/2000-4JJ(I) dated 3.3.2006.

¹⁸ Inserted by Haryana Government vide Notification No. 20/10/96-4JJ(I) dated 19.10. 2010.

¹⁹ Inserted by Haryana Government vide Notification No20/10/96-4JJ(1) dated 19.10.2010.

²⁰ Inserted by Haryana Government vide Notification No20/10/96-4JJ(1) dated 19.4.2011.

²¹ Inserted by Haryana Government vide Notification No20/10/96-4JJ(1) dated 12.8.2014.

administrative matters.

21. Modes of providing legal service.—Legal Service may be given in all or any one or more of the following modes, namely:--

- (a) By payment of court fee, process fee, expenses of witnesses, preparation of the paper book, lawyer's fee and all other charges payable or incurred in connection with any legal proceedings;
- (b) By representation by a legal practitioner in legal proceedings;
- (c) By supplying certified copies of judgments, orders, notes or evidence and other documents in legal proceedings;
- (d) By preparation of appeal, paper book, including printing, typing and translation of documents in legal proceedings; and
- (e) By drafting of legal documents.

PROCEDURE FOR PROVIDING LEGAL AID

22. Application for Legal Service.—

(1) ²²Any person desiring to seek legal service may make an application addressed to the Member-Secretary of the State Authority, Secretary of the High Court Legal Services Committee, Secretary of the District Legal Services Authority, Chairman of the Sub-Divisional Legal Services Committee (hereinafter referred to as Member Secretary, Secretary or Chairman of the Authority/Committee concerned), as the case may be.

(2) ²³The Member Secretary, Secretary or Chairman of the Authority/Committee concerned shall maintain a register of applications wherein all applications for legal service received under sub-rule (1) shall be entered.

23. Disposal of applications.—

(1) On receipt of an application under rule 22, the ²⁴Member Secretary, Secretary or Chairman of the Authority/Committee" shall scrutinize the application for the purpose of deciding whether the applicant is entitled to get legal service in accordance with the provisions of these rules, and for the purpose of arriving at such decision he may require applicant to supply further information as may be necessary, and, if necessary, give personal hearing to the applicant and in doing so the Member-Secretary shall have regard to the fact that the applicant is a poor person or belonging to a weaker section of the society and deserves to be assisted in the matter of obtaining legal service. The application shall be processed as early as possible and preferably within fifteen days of its receipt.

²² Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

²³ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

²⁴ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

(2) The decision of the ²⁵“Member Secretary, Secretary or Chairman of the Authority/Committee as the case may be” to provide legal service shall be final:

²⁶Provided that if the Member-Secretary, Secretary or the Chairman of the Authority/Committee, as the case may be, is of the opinion that the applicant is not deserving of legal service, he may reject the application but such rejection shall be brought to the notice of Executive Chairman of the State Authority by the Member-Secretary of the State Authority, to the Chairman of the High Court Legal Services Committee by the Secretary of the High Court Legal Services Committee, to the Chairman of the District Authority by the Secretary of the District Authority and to the Chairman of the District Legal Services Authority by the Chairman of the Sub-Divisional Legal Services Committee possibly within two weeks of rejection of application for legal service.”

(3) Where it is decided not to give legal aid to an applicant the reasons for not doing so shall be entered in the register of applications maintained by the Authority/Committee and information in writing to the effect shall be communicated to the applicant.

(4) No legal service shall be granted or continued after the legal service is granted, if the Authority/Committee is satisfied that:-

- (a) The applicant has knowingly made false statement or furnished false information as regards his means or place of residence; or
- (b) In proceedings other than the one relating to criminal prosecution there is no prima facie case to institute, or as the case may be, to defend the proceedings; or
- (c) The application is frivolous and fictitious; or
- (d) The applicant is not entitled to the same under rule 19 or any other provisions of the rule; or
- (e) Having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

24. Panel for Legal Service—

(1) The State Authority, District Authority, Sub-Divisional Legal Services Committee and High Court Legal Services Committee, shall prepare such number of panel of legal practitioners as it may consider necessary,

(2) Every panel prepared under sub rule (1) shall be continued for a period of two years from the date of its preparation.

²⁵ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

²⁶ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

(3) Appointment of legal practitioners for legal service shall be made as far as possible from the panel of legal practitioners prepared under sub-rule (1) by the Authority/Committee.

Provided that the Authority/Committee may appoint a legal practitioner not included in any panel in a case where it deems it necessary for imparting justice and may even appoint a legal practitioner of the choice of the applicant.

(4) Every person included in the panel shall be required to communicate, in writing to the Member-Secretary, ²⁷“Secretary or Chairman of the Authority/Committee” concerned as the case may be, his willingness to serve on the panel.

(5) Any vacancy in the panel caused by resignation or otherwise may be filled in by the Authority/Committee as soon as possible.

(6) If any person after having agreed to serve on a panel, neglects or refuse to discharge the duties properly the Authority/Committee may delete his name from the panel after giving him, opportunity to be heard.

(7) If any person after having agreed to serve on a panel is guilty of misconduct or violates any of the provisions of these rules, he shall be liable to be removed from the panel.

(8) Save as otherwise directed by the Authority/Committee, a legal practitioner who ceases to be on the panel whether on account of resignation or otherwise, shall as soon as practicable, after he so ceases to be on the panel, deliver all the papers pertaining to cases entrusted to him, to the ²⁸“Member- Secretary, Secretary or Chairman of Authority/Committee concerned as the case may be.

25. Duties of Legal Practitioners on the Panel.—

(1) Legal practitioners appointed for rendering legal service to the aided person under these rules:--

- (a) If the case is not concerning any proceeding in a court of law, tribunal or administrative tribunal shall hear the aided person, or any other person representing him, and shall examine the papers and documents relating to the case and shall give his advice in writing to the aided person and also send a copy of the advice so recorded to the ²⁹Member-Secretary, Secretary or Chairman of the Authority/Committee; as the case may be and
- (b) If the case relates to any legal proceedings, he shall represent the aided person and act and plead for him in the legal proceedings and shall forth-with make a report to Member-Secretary, ³⁰“Secretary or Chairman of the Authority/Committee as the case may be”

²⁷ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

²⁸ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

²⁹ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

³⁰ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

on the action taken by him and also make monthly report to the Member Secretary in regard to the progress of the legal proceedings.

(2) The legal practitioner so long as he remains on the panel shall act in accordance with such instructions as may be given to him from time to time, by the Member-Secretary,³¹“Secretary or Chairman of the Authority/Committee as the case may be.

26. Honorarium payable to legal practitioner on the panel. — The honorarium to the legal practitioners may be paid as may be notified by the State Authority from time to time.

27. Duties of aided person. — A person seeking legal service shall comply with any requisition or direction that may be made upon him by the Authority/Committee or any of its members from the date of application made for legal service till the completion or cessation of legal service or cancellation of eligibility.

³²27A. Recovery of legal aid expenses from aided persons.—

(1) A person seeking legal service shall execute an agreement in the form appended to these rules wherein he shall undertake for the refund/recovery, in suitable cases, of such portion of the costs/charges which may have been borne by the State Legal Services Authority/High Court Legal Services Committee/District Legal Services Authority/Sub-Divisional Legal Services Committee, as the case may be, in funding the litigation and which litigation may have ultimately resulted in award of costs/charges by any Court/Tribunal in favour of an ‘aided person’. The said form shall also provide for authorization by the aided person, to the Court/Tribunal awarding such costs/charges in the litigation resulting in his favour to order refund of such costs/charges directly to the respective Legal Services Authority/Committee, which may have funded his litigation. The aforesaid agreement to be executed by the aided person shall also contain a clause in the shape of an irrevocable power of attorney authorizing the Member-Secretary, Secretary or Chairman of the respective Authority/Committee concerned to do all such acts and things as may be necessary for recovery/realization of the amount decreed or ordered awarded to him by any Court/Tribunal. Where due to inadvertence or otherwise, any such costs are ordered by such courts to be recoverable by an aided person and released in his favour, the aided person shall be under legal obligation to deposit such costs/charges to the concerned Authority/Committee within one month of the receipt of such amount and on his failure to deposit the same within the stipulated period, the said costs/charges shall be recovered from the aided person as arrears of land revenue by the Collector of the district in which the aided person may be residing or holding property and upon recovery in such manner, the Collector shall remit the same to the concerned Authority/Committee:

Provided that where the amount of costs/charges awarded is less than Rs. 1000/- (One thousand rupees only) it shall be in the absolute discretion of the Member-Secretary, Secretary or Chairman of the respective Authority/Committee

³¹ Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

³² Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

concerned whether or not to proceed for recovery of such amount.

³³**Form**

(See Rule 27A)

I, _____ son of/daughter of/wife of shri _____ resident of _____, hereby agree that in the event of the Court/Tribunal finally passing a decree or order in my favour awarding costs to me or other monetary benefit or advantage, the expenses of litigation borne by the Authority/Committee on my behalf shall remain the first charge on that monetary benefit/decree. I further bind myself that for releasing the said benefit/decree in my favour in order to recover the said expenses of litigation, Member-Secretary, Secretary or Chairman of the Authority/Committee, as the case may be, shall be legally entitled to act as my special attorney without any further legal document.

I, hereby also declare that in case of any benefit under a decree or order granted in my favour the Court/Tribunal shall be at liberty to divert such amount to the Authority/Committee, as may have been incurred by the Authority/Committee in giving me legal service and I shall also supply true information to the Authority/Committee in this regard.

I, hereby further declare that where due to inadvertence or otherwise, any such costs are ordered by such courts to be recoverable by me and released in my favour, I shall be under legal obligation to deposit such costs/charges to the concerned Authority/Committee within one month of the receipt of such amount and on my failures to deposit such amount within stipulated period, the said costs/charges shall be recoverable from me as arrears of land revenue by the Collector of district in which I reside or hold property.

Place: _____

Dated: _____

APPLICANT

28. The experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section (4) of Section 19.—A person shall not be qualified to be included in the Bench of Lok Adalat unless he is:--

- (a) an eminent social worker who is engaged in the upliftment of the weaker section of the people; including Scheduled Castes, Scheduled Tribes, Women, children, Rural and Urban Labour; or
- (b) a lawyer of standing; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes and programmes.

³⁴**28A. Award of Lok Adalat—**

1. Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a

³³ Added by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

³⁴ Inserted by Haryana Government vide notification No.20/4/2000-4JJ(I) dated 10.1.2001.

compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of Section 20, the Court-Fee paid in such case shall be refunded in the manner provided under the Court-Fees Act, 1870.

2. Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute and no appeal shall lie to any court against the award.

3. The awards passed by the Lok Adalats in respect of pending cases shall be executable by the courts in which those matters were pending prior to the passing of the awards by the Lok Adalats.

4. ³⁵However, the petitions for execution or awards passed by the Lok Adalats regarding matters at pre-litigative stage shall be instituted before the Senior most Judicial Officer out of Civil Judges (Senior Division) at the District level; and before the Senior most Civil Judge (Senior Division) at the Sub-Divisional level who may either execute the same himself, or entrust it to any Judicial Officer junior to him and exercising pecuniary jurisdiction in respect of the amount settled at the pre-litigative stage.

CHAPTER X

MISCELLANEOUS

29. Repeal and Savings

1. The Haryana State Grant of Free Legal Service and Advice to the Poor Rules, 1982, are hereby repealed:

Provided that any action taken under the rules so repealed shall be deemed to have been taken under the corresponding provisions of these rules.

2. All notifications, regulations and orders made by the State Government will be valid unless they are inconsistent with Act and these Rules.

30. Interpretation .—If any question arises as to the interpretation of these rules, the decision of the Executive Chairman of State Legal Services Authority, shall be final.

CHAPTER XI

TRANSITIONAL PROVISION

31. ³⁶Omitted.

32. The Secretarial staff of the Executive Director, Haryana State Level Legal Service and Advice Committee and of the District Attorney-cum-Member Secretary, District Level Legal Service and Advice Committees shall continue as the staff of the State Legal Service Authority and of the District Legal Service Authorities respectively.

³⁵ Inserted by Haryana Government vide notification No.20/4/2000-4JJ(I) dated 4.6.2003.

³⁶ Inserted by Haryana Government vide notification No.20/4/2000-4JJ(I) dated 2.8.2002.

SCHEDULE—I

[See rules 9(1), 10(1), 16, 17 (1)]

PART I A

Sr.	Designation of the post	Scale of pay	Number of posts required
1.	Member Secretary	3,950-125-4,700-150-5,000(After completion of 9 years service in the cadre) scale(3,950-125-4,700-150-5,000)(Selection Grade)scale 5,900-200-6,700 Special Pay Rs. 500	1
2.	Joint Member Secretary	3,000-100-3,500-125-5,000	1
3.	Omitted*		
4.	Superintendent Grade—I	2,000-60-2,300-EB-75-3,200-100-3,500 + Spl. Pay	1
5.	Deputy Superintendent	1,640-60-2,600-EB-75-2,900	1
6.	Accountant	1,400-40-1,600-50-2,300-EB-60-2,600	1
7.	Librarian	1,400-40-1,600-50-2,300-EB-60-2,600 + Spl. Pay	1
8.	Personal Assistant	1,640-60-2,600-EB-75-2,900 + Spl. Pay	1
9.	Senior Scale Stenographer	1,400-40-1,600-50-2,300-EB-2,600+Spl. Pay	1
10.	Junior Scale Stenographer	1,200-30-1,560-EB-40-2,040 + Spl. Pay	1
11.	Steno Typist	950-20-1,150-EB-25-1,500 + Spl. Pay	1
12.	Assistants	1,400-40-1,600-50-2,300-EB-60-2,600	8
13.	Clerks	950-20-1,150-EB-25-1,500	7
14.	Restorer	950-20-1,150-EB-25-1,500	1
15.	Daftari	800-15-1,010-EB-20-1,150	1
16.	Drivers	1,200-30-1,560-40-2,040 + Spl. Pay Rs. 200	2
17.	Peons	750-12-870-EB-14-940	5
18.	Chowkidars	750-12-870-EB-14-940	2
19.	Sweepers	750-12-870-EB-14-940	2

* Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002

PART II

B

Requirement of the Staff of the District Legal Services Authority

Sr.	Designation of the post	Scale of pay	Number of posts required
1.	Assistant*	1,400-40-1,600-50-2,300-EB-60-2,600	1
2.	Clerk	950-20-1,150-EB-25-1,500	1
3.	Peon	750-12-870-EB-14-940	1
(Three posts in each of 17 districts of Haryana, total posts-51)			

SCHEDULE—II

[See rule 9(2)]

A

PART I

Existing Staff of the Haryana State Legal Service and Advice Committee

The following posts were sanctioned by the Haryana Government for the office of the Executive Director, Haryana State Level Legal Service and Advice Committee:-

Sr. No.	Name of the official working against the post	Name of the post	Date when the incumbent joined	Haryana Government communications
1.	Dr. Paras Diwan	Executive Director	1-3-1985	Memo No. 20/18/86-4JJ(I) dated 2-3-1995
2.	D.D. Vohra	Deputy Superintendent	5-6-1985	
3.	Rajiv Puri	P.A.	24-9-1992	
4.	A.S. Rana	Assistant	30-12-1986	
5.	Rishi Ram Bhatt	Assistant	17-4-1989	
6.	Tripta Malik	Clerk	14-2-1991	
7.	Kashmir Singh	Clerk	21-2-1991	
8.	Matbar Singh	Peon	8-1-1987	

* 10 Posts of Junior Scale Stenographers were sanctioned vide memo No. 20/27/87-4JJ(I) dated 19-2-2001 by Haryana Government for District Level Lok Adalats in lieu of 10 posts of Assistants.

III

¹HARYANA LEGAL SERVICES AUTHORITY (TRANSACTION OF BUSINESS AND OTHER PROVISIONS) REGULATIONS, 1998

In exercise of the powers conferred by Section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) the Haryana Legal Services Authority hereby makes the following regulations:

CHAPTER I

Preliminary

1. (1) These regulations may be called the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998. Short title and commencement
- (2) They shall come into force with effect from the date of their publication in the official Gazette.
2. In these regulations, unless the context otherwise requires:- Definitions
- (a) “Act” means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) as amended from time to time;
 - (b) “Aided Person” means a person to whom legal aid, legal advice or legal services has been provided in any form;
 - (c) “Central Authority” means the National Legal Services Authority constituted under Section 3;
 - (d) “Chairman” means the Chairman of the District Authority and Sub-Divisional Legal Services Committee, as the case may be;
 - (e) “Chief Justice” means the Chief Justice of the Punjab and Haryana High Court;
 - (f) “Court” means a Civil, Criminal or Revenue Court and includes any Tribunal or any other authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions;
 - (g) “Committee” means the Sub-Divisional Legal Services Committee.
 - (h) “District Authority” means the District Legal Services Authority constituted under section 9 of the Legal Services Authorities Act;
 - (i) “Executive Chairman” means the Executive Chairman of the State Authority;
 - (j) “High Court” means the Punjab and Haryana High Court at Chandigarh;

¹ Published in Haryana Government Gazette (Extra). Dated April 17,1998 (CHTR 27, 1920 SAKA).

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- (k) “Legal Practitioner “ shall have the meaning as assigned to the expression in the Advocate Act, 1961;
- (l) “Legal Service” includes rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or Tribunal and giving of advice on any legal matter;
- (m) “Lok Adalat” means a Lok Adalat organized under Chapter VI of the Act;
- (n) “Member” means a member of the State Authority, District Authority or Sub-Divisional Legal Services Committee as the case may be;
- (o) “Member Secretary” means Member Secretary of the State Authority;
- (p) “Nominated Member” means a member nominated to State Authority, the District Authority or the Sub-Divisional Committee, as the case may be;
- (q) “Patron-in-Chief” means the Chief Justice, Punjab and Haryana High Court;
- (r) “Rules” means the Haryana State Legal Services Authority Rules, 1996;
- (s) “Secretary” means the Secretary of the District Authority, or Sub-Divisional Legal Services Committee, as the case may be; (t) “Section” means a section of the Act;
- (u) “State Authority” means the Haryana Legal Services Authority constituted under section 6 (1) of the Act;
- (v) all other words and expressions used in these Regulations, but not defined shall have the meaning respectively assigned to them in the Act and the Rules framed there under.

CHAPTER—II

3. The Executive Authority of the State Authority shall vest in the Executive Chairman and may be exercised through the Member Secretary who shall act under the control of the Executive Chairman:

Provided that the Patron-in-Chief may give such advice as he may deem necessary in respect of any matter concerning the affairs of the State Authority.

The Executive Authority of the District Authority shall vest in its Chairman and may be exercised through its Secretary, who shall act under the control of the Chairman.

The Executive Authority of the Sub-Divisional Committee shall vest in its

Chairman and may be exercised either by himself or through such other officer, who is chosen for the purpose.

Provided that the Executive Chairman may give such advice as he may deem necessary in respect of any matter concerning the affairs of the District Authority and Sub-Divisional Committee.

CHAPTER—III

STATE LEGAL SERVICES AUTHORITY

Other functions of the State Authority

4. In addition to the functions to be performed by the State Authority, as laid down by Section 7(1) and 7(2) (a) (b) (c) of the Act, the State Authority may also perform such other functions, as may be fixed in consultation with the Central Authority, for carrying out schemes and programmes of promoting the cause of legal aid, legal literacy and conciliation in coordination with Governmental, non-Governmental Agencies, Voluntary Social Service Institutions, Universities and other bodies.

5. (1) The State Authority shall meet once in every three months provided that the Executive Chairman may convene a meeting of the State Authority whenever any business is to be transacted.

Meeting of the
State Authority

(2) A meeting of the State Authority shall ordinarily be held at Chandigarh. However, it may be held at such other place within the State, as may be directed by the Executive Chairman.

(3) Annual General Meeting of the State Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Executive Chairman. Besides other business annual statement of accounts, annual progress of performance report about the plans, programmes and schemes of the State Authority shall be placed before the State Authority for consideration and approval.

(4) A meeting of the State Authority shall be presided over by the Executive Chairman. In case, Patron-in-Chief is present in the meeting, then he shall preside over the meeting.

(5) The quorum for a meeting shall be five members including the Chairman.

(6) For every meeting of the State Authority, at least two weeks' notice shall be given to the Members to attend the meeting. However, an emergent meeting may be convened by the Member Secretary in accordance with the direction of the Executive Chairman on short notice.

(7) The State Authority may regulate its own procedure.

(8) One or more persons, who are engaged or interested in the upliftment of the weaker section of the society, who are considered suitable by the

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Executive Chairman, may be invited for any meeting in order to seek their views, cooperation and help. Such person shall have no right to vote at such meeting.

(9) All matters requiring confirmation from the State Authority under the Act or the Rules, shall be placed and all policy matters shall be placed or any specific matter as may be directed by the Executive Chairman shall be placed before the State Authority for consideration and decision.

(10) All the decisions of the State Authority shall be taken by majority of the members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote;

Provided that in such matters as may be directed by the Executive Chairman of the State Authority, the decision of the State Authority may be taken by circulation.

(11) It shall be the duty of the Member Secretary to record or cause to be recorded the minutes of the meeting in the register to be maintained for the purpose.

(12) The non-official Members shall be entitled to payment of travelling allowance and daily allowance in respect of the journeys performed in connection with the work of the State Authority at the rates admissible to a Class-I officer of the State Government.

6. (1) Executive Chairman shall be competent to take all decisions as may be required on behalf of the State Authority.

(2) Legal Aid, Legal Advice or other legal services may be provided by the Executive Chairman to any person directly in respect of any matter before any court in Haryana.

(3) Executive Chairman may review the cases where legal services have been refused by the District Authority and Sub-Divisional Legal Services Committee.

Funds of the
State Authority

7. Funds of the State Authority shall comprise of State Legal Aid fund as per Section 16(1) of the Act and shall further be:--

(1) All such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.

(2) All the amounts credited to the State Legal Aid Fund shall be deposited in a Nationalized Bank.

Explanation:-- In this Sub-regulation “Nationalized Bank” means corresponding new Bank as defined in the Bank Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

(3) For the purpose of meeting incidental minor charges, such as court fee, stamps and expenditure necessary for obtaining copies

of documents and contingent expenditure etc., a permanent advance of rupees three thousand shall be placed at the disposal of the Member Secretary of the State Authority.

- (4) All expenditure necessary for carrying out the various functions of the State Authority including expenses required for meetings shall be incurred out of the funds of the State Authority with the approval of the Member Secretary of the State Authority;
- (5) The Member Secretary shall have the accounts and other relevant records of the receipts and expenditure to be maintained properly in accordance with the rules and directions of the Central/State Government and Comptroller and Auditor General of India.
 - ²(i) Expenditure on wages/salary of the employees appointed on DC rates/Contractual basis in the Administrative Office of HALSA, District Legal Services Authorities, Sub Divisional Legal Services Committee, Permanent Lok Adalats (Public Utility Services) and Mediation & Conciliation Centres.
 - (ii) Expenditure pertaining to Legal Aid Schemes launched by National Legal Services Authority/Haryana State Legal Services Authority as well as the expenditure auxiliary for the implementation of Legal Aid Programmes.
 - (iii) Expenditure on acquiring any other infrastructural item required for the smooth functioning of State Authority, District legal Services Authorities , Sub Divisional Legal Services Committees, Permanent Lok Adalats (Public Utility Services), Mediation & Conciliation Centres and expenditure on other Administrative purposes, subject to prior approval of Executive Chairman/Member Secretary of State Legal Services Authority (as the case may be).
 - (iv) For meeting day to day office expenditure *i.e.*, electricity bills, water bills, telephone bills etc. of newly constructed Administrative building of State Authority as well as ADR Centres in the State of Haryana.
 - (v) Any other expenditure with the prior approval of Hon'ble Executive Chairman/Member Secretary of HALSA as the case may be;

Provided however, the expenditure shall be incurred for the above said purposes only in cases the funds are not provided by the NALSA, State Government or any other agency.

Provided that for an expense of more than Rs.1,00,000³, approval of the Executive Chairman shall be taken.

² Vide Notification No.MS/HALSA/2016/(Acctt.) 12454 dated 14th September, 2016.

³ Substituted by Haryana State Legal Services Authority vide notification No.HALSA/1(5)2014/558 dated 5.6.2014.

CHAPTER IV

DISTRICT LEGAL SERVICES AUTHORITY

Other functions
of the District
Authority

8. The District Authority, besides functions specified in section 10 shall perform the following functions, namely:--

- (1) give legal service within the District to persons who satisfy the criteria under the Act:

Provided that District Authority may assign the functions of providing legal services to Sub-Divisional Legal Services Committees within their respective jurisdictions within the District;

- (2) conduct legal literacy camps in different parts of the District with a view to transmitting knowledge about the legal aid schemes conducted in the State or with a view to spreading consciousness about the legal rights and duties of citizens with special references to rural population, women, children, disabled, handicapped and the weaker sections of the society;
- (3) administer and implement the legal services programme in so far as it relates to the courts within the District and for this purpose, take all such steps as may be necessary and to act in accordance with the directions issued by the Central Authority or the State Authority from time to time;
- (4) conduct legal aid clinics in different parts of the District in collaboration with Law Colleges, Universities and other social service organizations;
- (5) supervise, direct and guide the working of the Sub-Divisional Committees in the district;
- (6) call for, from the Sub-Divisional Committees in the District such periodical reports, returns and other statistics or information as it may think fit, or as are required by the State Authority;
- (7) prepare and submit returns, reports and statistic information in regards to the legal services programme to the State Authority.

Terms and other
conditions of
members of the
District Authority

9. Terms of office and other conditions relating thereto of the members of the District Authority:--

1. The term of the office of a member of the District Authority, other than ex-officio member, shall be two years and they shall be eligible for re-nomination;
2. A member of the District Authority nominated under clause (b) of rule 13 may be removed by the State Government, if—

- (a) he fails, without sufficient cause, to attend three consecutive meetings of the District Authority or five meetings held within the span of two years; or
 - (b) has been adjudged as insolvent; or
 - (c) has been convicted of an offence which in the opinion of the State Authority involves moral turpitude; or
 - (d) has become physically or mentally incapable of acting as a member; or
 - (e) has not abused his position as to render his continuance in the District Authority pre-judicial to the public interest.
3. Notwithstanding anything contained in sub rule (2), no member shall be removed from the District Authority on the grounds specified therein without consultation with the Chief Justice.
 4. A member may, by writing under his hand addressed to the Chairman, resign from the District Authority and such resignation, shall take effect on the expiry of a period of 30 days from the date of tendering resignation.
 5. If any nominated member ceases to be member of the District Authority for any reason, the vacancy shall be filled up in the manner and from the source from which the same was originally filled under clause (4) of rule 15.
 6. All nominated members shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings of the District Authority and shall be paid by the District Authority in accordance with the rules as are applicable to the Class I officers of the Haryana Government as amended from time to time.
 7. The ex-officio members shall be entitled to travelling allowance and daily allowance from his parent department.

10. Powers & Functions of the Chairman of the District Authority

1. The Chairman of the District Authority shall be in overall in- charge of administration and implementation of the programme of the State Authority and that of the District Authority.
2. The Chairman shall call meetings of the District Authority convened through the Secretary of the District Authority at least once in a period of three months.
3. The Chairman shall preside over the meeting of the District Authority.

4. The Chairman shall have all the residuary powers of the Authority.

11. Secretary of the District Authority

- (1) The Secretary appointed under sub-section (3) of Section 9 of the Act shall be the Principal Officer of the District Authority. He shall be paid Rs. 500/- as honorarium or at such rate as may be determined by the Executive Chairman of the State Authority and he shall be the custodian of all assets, accounts, records and funds at the disposal of the District Authority, and all other necessary records.

⁴“**Note 1.** In exercise of the powers conferred under Regulation 11(1) of the Haryana State Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 the Hon'ble Executive Chairman of this Authority has been pleased to revise the rates of honorarium payable to the Secretary, District Legal Services Authority, appointed under sub section (3) of Section 9 of the Legal Services Authorities Act, 1987 from Rs.500/- to Rs.1500/- per month with effect from 1.9.2008.”

- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of receipts and disbursement of the funds of the District Authority.
- (3) The Secretary shall convene meetings of the District Authority with the previous approval of the Chairman of the District Authority and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meeting.

12. Meeting of the District Authority

- (1) The District Authority shall meet at least once in three months on such dates and at such place as the Chairman of the District Authority may direct.
- (2) A meeting of the District Authority shall be presided over by the Chairman.
- (3) The minute shall, as soon as may be, after the meeting, be forwarded to the State Authority.
- (4) The quorum for the meeting shall be three including the Chairman.
- (5) All questions which come up before any meeting of the District Authority shall be decided by the majority of votes of the members present and voting and in case of a tie, the Chairman shall also have casting vote.

⁴ Issued vide Officer order No.13743/2008/MS/HSLSA, Dated ,Chandigarh the 22.8.2008.

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Provided that in such matters as may be directed by the Chairman of the District Authority, the decision of the District Authority may be taken by circulation.

- (6) All matters requiring confirmation from the District Authority under the Act or the Rules, shall be placed before the said Authority from time to time.

13. Funds of the District Authority shall comprise of District Legal Aid Fund as per section 17(1) of the Act and shall further be:--

- (1) All such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.
- (2) All the amounts credited to the State Legal Aid Fund shall be deposited in a Nationalized Bank.

Explanation:-- In this Sub-regulation “Nationalized Bank” means corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (3) All expenditure necessary for carrying out the various functions of the District Authority or Sub-Divisional Legal Services Committee including expenditure necessary for meetings shall be incurred out of the funds of the District Authority with the approval of the Chairman of the District Authority.
- (4) The funds of the District Authority may be utilized for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other Members of the District Authority or the Secretary in connection with Legal Services activities. The travelling allowance and daily allowance payable to the Chairman, the Ex-officio Members and the Secretary shall be such as to which they are entitled by virtue of their respective office held.
- (5) The Secretary shall operate the Bank Accounts of the District Authority in accordance with the directions of the Chairman.
- (6) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority.
- ⁵“(7) For the purpose of meeting incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of Rs.2,000/- may be placed at the disposal of the Secretary, District Legal Services Authority out of the District Legal Aid Fund.”

⁵ Added vide this Authority notification No. HSLA/1(5)/2000 dated 25-5-2000, published in Haryana Government Gazette (Extra) on May, 25, 2000.

CHAPTER IV

SUB-DIVISIONAL LEGAL SERVICES COMMITTEE

Terms and other conditions of members of Sub-Divisional Committee.

14. The term of the office and other conditions relating thereto of the members of the Sub-Divisional Committee.

- (1) The term of the office of a Member of the Sub-Divisional Committee, other than ex-officio members shall be two years and they shall be eligible for re-nomination;
- (2) A member of the Sub-Divisional Committee nominated under clause (b) of rule 18, may be removed by the State Govt. if –
 - (a) he fails, without sufficient cause to attend three consecutive meetings of the Sub-Divisional Committee or five meetings held within the span of two years; or
 - (b) has been adjudged as insolvent; or
 - (c) has been convicted of an offence which in the opinion of the Sub-Divisional Committee involves moral turpitude; or
 - (d) has become physically or mentally incapable of acting as a member; or
 - (e) has so abused his position as to render his continuance in the Sub-Divisional Committee prejudicial to the public interest.
- (3) Notwithstanding anything contained in sub-rule (2) no member shall be removed from the Sub-Divisional Committee on the grounds specified therein without consultation with Chief Justice.
- (4) A member may, by writing under his hand addressed to the Chairman, resign from the Sub-Divisional Committee and such resignation shall take effect on the expiry of a period of 30 days from the date of tendering resignation.
- (5) If any nominated member ceases to be member of the Sub-Divisional Committee for any reason, the vacancy shall be filled up in the manner and from the source from which the same was originally filled under clause (4) of rule 18.
- (6) All nominated members shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings of the Sub-Divisional Committee and shall be paid by the District Authority in accordance with the rules as are applicable to the Class I officers of the Haryana Government as amended from time to time.

- (7) The ex-officio members shall be entitled to travelling allowance and daily allowance either from his parent department, or as the case may be, from the District Authority.

15. Additional functions of the Sub-Divisional Committee

In addition to the functions assigned to it under the Act and Rules, the Sub-Divisional Committee shall perform such other functions and discharge such other duties as the District Authority or the State Authority may entrust to it from time to time.

16. Meetings of Sub-Divisional Committee:

- (1) The Sub-Divisional Legal Services Committee shall ordinarily meet once in two months on such date, at such place, as the Chairman may decide.
- (2) The Chairman and in the absence of the Chairman, next senior most Civil Judge shall preside at the meeting of the Sub-Divisional Legal Services Committee.
- (3) The minutes of the proceedings of each meeting shall be maintained by the Chairman or any other person authorized by him and shall, as soon as may be, sent to the District Authority and the State Authority.
- (4) The quorum for the meeting shall be three including the Chairman.
- (5) All questions at the meeting of the Sub-Divisional Legal Services Committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding shall have second or casting vote:

Provided that in such matters as may be directed by the Chairman of the Sub-Divisional Legal Services Committee, the decision of the said Committee may be taken by circulation.

- (6) All matters requiring confirmation from the Sub-Divisional Legal Services Committee by virtue of the Act or Rules shall be placed before the said Committee from time to time.

17. Funds of the Sub-Divisional Legal Services Committee:

- (a) All the expenses of the Sub-Divisional Legal Services Committee, for performing its functions, shall be met out of District Legal Aid Fund.
- (b) For the purpose of meeting incidental minor charges, such as court fee, stamps and expenditure necessary for obtaining copies of documents etc. a permanent advance of rupees one thousand may be placed at the disposal of the Chairman of the Sub-Divisional Legal Services Committee by the District Authority from District Legal Aid Fund.

CHAPTER V

LOK ADALAT

18. Procedure for organizing Lok Adalat

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall convene and organize Lok Adalats at regular intervals or on such dates, as may be directed by the State Authority:

Provided that in order to coordinate the holdings of Lok Adalats, Member Secretary of the Authority may, with the approval of the Executive Chairman, prepare a quarterly roster for holding Lok Adalats at different District and Sub-Division Head-quarters and circulate the same to different Authorities.

(2) Intimation to the State Authority.

The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat well before the date on which the Lok Adalat is proposed to be organized.

19. Notice to the parties concerned.

The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, convening and organizing the Lok Adalat shall inform every litigant and his counsel, whose case is referred to the Lok Adalat, well in time so as to afford him, an opportunity to prepare himself for the Lok Adalat.

20. Composition of the Lok Adalat:

- (1) **At District Level:** The Secretary of the District Authority organizing the Lok Adalat shall with the approval of the Chairman constitute Benches of the Lok Adalats, each bench comprising two or three of the following:--
- (i) A sitting or retired Judicial Officer;
 - (ii) A member of the legal profession; and
 - (iii) Any other eminent person in the field of law, medicine or a social worker.
- (2) **At Sub-Divisional Level :** The Chairman of the Sub-Divisional Legal Services Committee organizing the Lok Adalat shall constitute Benches of the Lok Adalat, each Bench comprising two or three of the following :-

- (i) A sitting or retired Judicial Officer;
- (ii) A member of the legal profession; and
- (iii) A social worker, Medical practitioner or para legal of the area

21. Summoning of Records and the responsibility for its safe custody:

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, may call for the judicial records of those pending cases which are referred to the Lok Adalat under Section 20 of the Act from the concerned Courts.
- (2) If any matter is referred to the Lok Adalat on the pre-litigation stage, the version of each party shall be obtained by the Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, to be placed before the Lok Adalat.
- (3) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committees, as the case may be, shall be responsible for the safe custody of the records from the time he receives them from the court till these are returned.
- (4) Each Judicial Authority to cooperate in transmission of the Court records.
- (5) The judicial records shall be returned immediately after holding the Lok Adalat, irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings.

22. Functioning of the Lok Adalat:

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall assign cases to the benches of the Lok Adalat after obtaining orders from the Chairman, as the case may be.
- (2) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and the same shall be duly notified to all concerned.
- (3) Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without any duress threat or undue influence, allurements or misrepresentation.
- (4) In case any Bench of the Lok Adalat cannot take up, hear or dispose of any case/cases on that day, it may be in its discretion to take up

such case/cases on the next day or on any such subsequent day as may be convenient, under intimation to the Secretary/Chairman of the Committee/Authority concerned. In that case, judicial record may be kept with permission of the Court concerned.

23. Holding of Lok Adalat:

Lok Adalat may be organised at such time and place, on closed Saturday, Sundays and holidays as the State Authority, District Authority, Sub-Divisional Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

24. Procedure for effecting compromise or settlement at Lok Adalat:

- (1) Every Award or order of the Lok Adalat shall be signed by the panel constituting the Lok Adalat.
- (2) The original Award shall form part of the judicial records and a copy of the Award shall be given to each of the parties duly certified to be true by the Secretary/Chairman of the Committee/Authority concerned, free of costs.

25. Award/Order to be categorical and lucid:

- (1) Every Award or order of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local courts or English.
- (2) The parties to the dispute shall be required to affix their signatures or thumb impression as the case may be on the statements/compromise recorded by or placed before the Lok Adalat.
- (3) The Award of the Lok Adalat shall be based upon the statement of the parties to the compromise duly recorded by it.

26. Compilation of results:

At the conclusion of the sessions of the Lok Adalat, the Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall compile the results in the Annexed proforma for submission to the State Authority.

27. Remuneration to the Judges and Members of the Lok Adalats :

(1) The Presiding Judges of the Lok Adalat/Permanent Lok Adalat held at the High Court and who is not a sitting Judge, shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Legal Services Committee, but it shall not exceed Rs.50/- (fifty rupees

⁶ Substituted vide this Authority Notification No.MS/HSLSA/7396/1(5)2000, dated 8-11-2000 published as in Haryana Government Gazette (Extra) on November 14, 2000.

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only) per decided case, subject to a maximum of Rs.500/- (five hundred rupees only) per day or at such rate as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.

(2) The other Members of the Lok Adalat/Permanent Lok Adalat held at High Court Level shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Legal Services Committee which shall not exceed Rs.45/- (forty five rupees only) per decided case but subject to a maximum of Rs.300/- (three hundred rupees only) per day or at such rates as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.

(3) The Presiding Officer and other Members of the Lok Adalat/Permanent Lok Adalat Bench at the High Court Level shall be provided with conveyance or conveyance allowance as per actual fare to and fro journey between their residence and the place of Lok Adalat.

(4) Every Presiding Officer of the Permanent Lok Adalat at District and Sub-Divisional Level shall be entitled to honorarium at the rate of Rs.45/- (forty five rupees only) per decided case but subject to a maximum of Rs.2500/- (two thousand five hundred rupees only) per month besides conveyance allowance not exceeding Rs.500/- (Five hundred rupees only) per month or at such rates as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.

(5) Other Members of the Permanent Lok Adalat at the District and Sub-Divisional Level shall be paid a fixed honorarium at the rate of Rs.30/- (thirty rupees only) per decided case but subject to a maximum of Rs.1500/- (one thousand and five hundred rupees only) per month besides conveyance allowance not exceeding Rs.500/- (five hundred rupees only) per month or at such rate as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.

⁷**Note 1.** In exercise of powers conferred under Regulation 27(4) & (5) of Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, Hon'ble Mr. Justice V.K. Bali, Judge, Punjab and Haryana High Court and Executive Chairman, Haryana State Legal Services Authority is pleased to revise the rates of honorarium at the rate of Rs.2500/- (Rupees two thousand five hundred only) per month for the Presiding Officers and at the rate of Rs.1500/- (Rupees one thousand five hundred only) per month for the Members of Permanent Lok Adalat at District and Sub-Division Level, besides conveyance allowance, irrespective of the number of cases decided by the Permanent Lok Adalat as previously fixed by this Authority Notification No. MS/HLSLA/7396/1 (5)2000 dated 8.11.2000 published in Haryana Government Gazette (Extra) November, 14, 2000.

⁸**Note 2.** In partial modification of office order No. 120(5)2001/MS/HLSLA dated 9-1-2001 of this Authority providing for a minimum

⁷ Office order No. 120 (5) 2001/MS/HLSLA dated 9-1-2001.

⁸ Office order No. 2600 (5) 2002/MS/HLSLA dated 23-4-2002.

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payment of Rs.2500/- per month as honorarium to retired Judicial Officers, presiding over the Permanent and Continuous Lok Adalats at District Headquarters, the Hon'ble Executive Chairman of this Authority in exercise of powers vested in him under Regulation 27(4) and (5) of Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, has been pleased to order that the aforesaid limit of minimum amount of Rs.2500/- per month shall remain valid upto 20 decided cases but for every subsequent decided case exceeding 20 (excluding summary cases) he shall be entitled for an additional sum of Rs.45/- per decided case.

⁹**Note 3.** In continuation of this Authority's order conveyed vide endorsement No. 120(5)2001/MS/HLSA, dated 9-1-2001 and subsequent office order conveyed vide endorsement No. 2600(5)2002/MS/HLSA, dated 23-4-2002, it is hereby clarified that the honorarium of Rs.2500/- per month referred to in sub-clauses 4 and 5 of Regulation 27 of the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, (herein after referred to as the regulations) can only be paid either to the retired judicial officers appointed as Presiding Officer, or to the member of any "Permanent Lok Adalat" which have been set up at the district level by the Hon'ble Executive Chairman of this Authority in the light of letter dated 8-12-1997 of Hon'ble the Chief Justice of India. No other person associated intermittently, occasionally or otherwise as a member of the Lok Adalat organized by the District Legal Services Authority or Sub-Divisional Legal Services Committee in accordance with the provisions contained in Regulation 20, is entitled to any such remuneration or honorarium.

Note 4. In supersession of this Authority's order conveyed vide endst. No.121-58(5)/2001/MS/HLSA dated 9.1.2001, endst. No.2601-15(5)/2002/MS/ HSLSA dated 23.4.2002 and subsequent office order conveyed vide endst. No.5233-49(5)/2002/MS/HLSA, dated 17.7.2002 and letter issued vide memo No. 9766 dated 19-11-2004 and letters issued vide memo Nos. 9802, 9806, 9810 and 9814 dated 22-11-2004, the Hon'ble Executive Chairman of this Authority in exercise of powers vested in him under Sub-Regulations (4) and (5) of Regulation 27 of Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations 1998, has been pleased to revise the honorarium and conveyance allowance payable to the Presiding Judges and Members of the Permanent and Continuous Lok Adalats (Samjhauta Sadans) at the District and Sub-Divisional Level in the State of Haryana as below: -

Presiding Judge of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.3,000/- per month which shall remain valid upto 20 decided cases (excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.45/- per decided case) and
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⁹ Office order No. 5232 (5) 2002/MS/HLSA dated 17-7-2002.

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Member of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.2,000/- per month which shall remain valid upto 20 decided cases (excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.30/- per decided case) and
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The above revised rate of honorarium and conveyance allowance will be effective from today i.e. 7-3-2005. No payment shall be made for deciding summary cases.”

¹⁰“**Note 5.** In exercise of the powers conferred under Sub-Regulations (4) and (5) of Regulation 27 of the Haryana State Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 the Hon'ble Executive Chairman of this Authority has been pleased to revise the rates of honorarium payable to the Presiding Judge and Members of the Permanent and Continuous Lok Adalat (Samjhauta Sadan) at the District and Sub- Divisional Level in the State of Haryana as below:-

Presiding Judge of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.5,000/- per month which shall remain valid upto 20 decided cases excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.45/- per decided case.
Member of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.3,000/- per month which shall remain valid upto 20 decided cases excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.30/- per decided case.

However, the conveyance allowance payable to the Presiding Judge and Members of the Permanent and Continuous Lok Adalat (Samjhauta Sadan) shall remain the same. No payment shall be made for deciding summary cases.

The above revised rate of honorarium will be effective from 1.9.2008.

28. Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise.

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall maintain a Register wherein all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars of the :-
 - (i) Date of receipt;

¹⁰ Issued vide Office order No.13784/(5)MS/HLSLA, Dated, Chandigarh, the 22.8.2008.

The Haryana State Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

- (ii) Category and subject wise nature of the case;
 - (iii) Such other particulars as may be deemed necessary; and
 - (iv) Date of settlement and return of the case file;
- (2) When the case is finally disposed off by the Lok Adalat an appropriate entry will be made in the register.

29. Budget:

The expenditure for Lok Adalats organized by the District Authority or Sub-Divisional Legal Services Committee, shall be met out of District Legal Aid Fund. State Authority, may also make grants out of the State Legal Aid Fund to the District Authorities for this object.

30. Maintenance of Accounts:

- (1) The Chairman of the Authority or the Sub-Divisional Legal Services Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred on the Lok Adalats.
- (2) The Secretary of the District Authority, as the case may be, shall render true and proper accounts to the State Authority every quarter.
- (3) The Chairman of the Sub-Divisional Legal Services Committee shall render true and proper accounts to the District Authority every month.
- (4) After the Lok Adalat is organized, the Secretary of the District Authority or Chairman of the Sub-Divisional Legal Services Committee, shall forward the report in the following proforma prescribed for Disposal of Cases in Lok Adalats:

Sr. No.	Name of place	Date of holding Lok Adalat	No. of cases disposed of			
			Civil	Claims	Criminal	Total
1	2	3	4	5	6	7

31. Since one High Court Legal Services Committee under Section 8-A for the States of Punjab, Haryana and the Union Territory of Chandigarh, has been constituted, the Lok Adalats in the High Court shall be conducted in the manner as may be evolved by the Executive Chairman of the State Authorities of Punjab, Haryana, Union Territory of Chandigarh and Chairman of the High Court Legal Services Committee.

32. (1) The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be refused.
- (2) No fee shall be payable by the parties in respect of matters or cases brought before or referred to a Lok Adalat.
- (3) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall provide all assistance as may be necessary to the Lok Adalats.
- (4) Every Bench of the Lok Adalat may evolve its own procedure for conducting the proceedings before it and shall not be bound by either the Civil Procedure Code or the Evidence Act or the Code of Criminal Procedure subject, however, to the principles of natural justice.

CHAPTER-VI

MISCELLANEOUS

33. Miscellaneous:

All notifications, regulations and orders made by the State Government will be valid unless they are inconsistent with Act, Rules made thereunder and these regulations.

34. Interpretation:

If any question arises as to the interpretation of these regulations, the decision of the Executive Chairman of the State Authority shall be final.

The Haryana State Legal Services Authority Rules, 1996

9.	Bharat Singh	Peon	6-8-1993	
10.	Bhale Ram	Driver	11-2-1988	

Since the posts of aforesaid officials were sanctioned by the Haryana Government for doing the work of providing free legal aid to poor under the Haryana State Grant of Free Legal Service and Advice to the Poor Rules, 1982, therefore, the aforesaid officials shall continue to work now in the office of the Haryana State Legal Services Authority and shall be entitled to draw pay and allowances in the scale indicated in schedule to these rules.

PART II
[See Rule 9(2)]

B

The following posts were sanctioned by the Haryana Government from time to time for the offices of the District Attorneys-cum-Member Secretaries of the District Level Legal Services and Advice Committees of Haryana as then existing in all the districts of Haryana.

Sr.	Name of the Official	Name of the post	Station	Date on which the incumbent joined
1.	Devinder Kumar	Clerk	Ambala	24-7-1992
2.	Shanti Devi	Clerk	Bhiwani	25-9-1985
3.	Neelam Kumari	Clerk	Faridabad	26-8-1985
4.	Kartar Singh	Clerk	Gurgaon	21-11-1985
5.	Bhanmati	Clerk	Hisar	17-9-1986
6.	Jai Gopal	Clerk	Jind	16-10-1985
7.	Ramesh Kumar	Clerk	Karnal	26-11-1985
8.	Vacant	Clerk	Kaithal	--
9.	Sheo Ram	Clerk	Kurukshetra	3-12-1985
10.	Pawan Kumar	Clerk	Narnaul	19-11-1993
11.	Avinash Gupta	Clerk	Panipat	11-8-1993
12.	Birender Kumar	Clerk	Rewari	1-10-1985
13.	Vijay Singh	Clerk	Rohtak	28-1-1986
14.	Rajwanti	Clerk	Sonipat	10-12-1985
15.	Shish Pal	Clerk	Sirsa	6-12-1985
16.	Ravinder Kumar	Clerk	Yamuna Nagar	27-5-1993

Since the posts of aforesaid officials were sanctioned by the Haryana Government for doing the work of providing free legal aid to poor to the Poor Rules, 1982, therefore, the aforesaid officials shall continue to work now in the office of the District Legal Services Authorities and shall be entitled to draw pay and allowances in the scale indicated in schedule to these rules.

Note: By virtue of Rule 32 of Haryana State Legal Services Authority Rules, 1996, the above named officials who were recruited as clerks in pursuance of Haryana Government letter No. 20/18-864JJ(I) dated 2-3-1995 stand absorbed in various District Legal Services Authorities.

V

¹THE PERMANENT LOK ADALAT (OTHER TERMS AND CONDITIONS OF APPOINTMENT OF CHAIRMAN AND OTHER PERSONS) RULES, 2003

G.S.R. 3 (E). – In exercise of the powers conferred by clause (1a) of sub-section (2) of section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government, in consultation with the Chief Justice of India, hereby makes the following rules, namely: -

1. Short title and commencement –

- (1) These rules may be called the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rule, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions – In these rules, unless the context otherwise requires, -

- (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
- (b) “Chairman” means a person appointed as Chairman of the Permanent Lok Adalat established by the Central Authority or a State Authority under sub-section (1) of section 22B of the Act;
- (c) “other person” means a person nominated under clause (b) of sub-section (2) of section 22B;
- (d) “Section” means a section of the Act;
- (e) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;
- (f) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Sitting Fee and other allowances of Chairman and other persons of Permanent Lok Adalat - (1) When a serving judicial officer is appointed as Chairman, he shall receive the salary, allowances and other perquisites as are admissible to a serving judicial officer;

- ²(2) When a retired Judicial Officer is appointed as Chairman, he shall

¹ Framed vide notification No. G.S.R.3 (E) dated 2.1.2003 by Government of India, Ministry of Law & Justice, Department of Legal Affairs.

² Notification No.G.S.R.[E] dated 13.5.2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

The Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003

be entitled to a monthly fee of last drawn salary less the amount of pension received by him.

³(3) Any other person shall be entitled to a sitting fee of Rupees one thousand and five hundred per sitting.

(4) The Chairman and other person shall be entitled to such traveling and daily allowances on official tour as are admissible to Group 'A' officers of the Central Government.

⁴(5) For the purpose of attending the sittings of Permanent Lok Adalat, the Chairman and other person shall be entitled to conveyance allowance of rupees five thousand per month.

4. Terms and Conditions of Service of Chairman and other persons of Permanent Lok Adalat – (1) Before appointment, the Chairman and other person shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairman or other person.

⁵(2) The Chairman and other persons shall hold office for a term of five years or till the age of sixty five years, whichever is earlier.

(3) Notwithstanding anything contained in sub rule (2), Chairman or other persons may—

- (a) by writing under his hand and addressed to the Central Authority or, as the case may be, the State Authority, resign his office at any time;
- (b) be removed from his office in accordance with the provisions of rule 5.

(4) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) person of Permanent Lok Adalat holding office for the time being shall discharge the functions of the Chairman until the day on which the Chairman resumes the charge of his functions.

(5) The Chairman or any other person ceasing to hold office as such shall not hold any appointment in, or be connected with, the management or administration of an organization which has been the subject of the proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

5. Resignation and removal – The Central Authority or State Authority, as

³ Notification No. G.S.R.[E] dated 13th May, 2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

⁴ Notification No. G.S.R.[E] dated 13th May, 2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

⁵ Notification No.GSE/618(E) dated 22nd June, 2016.

The Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003

the case may be, may remove from office, Chairman or other person who—

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Authority, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such Chairman or other person; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as Chairman or Other person; or
- (e) has or so abused his position as to render his continuance in office prejudicial to the public interest :

Provided that the Chairman or any other person shall not be removed from his office on the grounds specified in clauses (d) and (e), except on inquiry held in accordance with the procedure prescribed in rule 6.

6. Procedure for Inquiry – (1) Whenever the Central Authority or, as the case may be, State Authority is of the opinion that an allegation under clause (d) or clause (e) of Rule 5 is required to be inquired into, it may hold an inquiry against the Chairman or other person and shall draw or cause to be drawn up the substance of the allegation which shall contain a statement of relevant facts and a list of documents and witnesses.

(2) The Central Authority or, as the case may be, State Authority shall deliver or cause to be delivered to the Chairman or other person a copy of the allegation and a list of documents and witnesses and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(3) If the allegations are admitted by the Chairman or other person, the Central Authority or, as the case may be, State Authority shall record reasons and remove the Chairman or other person.

(4) Where the charges have been denied by the Chairman or the other person, the Central Authority or, as the case may be, State Authority may appoint an officer to inquire into the truth of the allegations and it may also appoint a Presenting Officer to present the case on behalf of the Central Authority or, as the case may be, State Authority before the Inquiry Officer.

(5) The Inquiry Officer shall give an opportunity to the Presenting Officer to present the case within such time as may be allowed by the Inquiry Officer from time to time. After the evidence is closed by the Presenting Officer, the Chairman or other person, as the case may be, shall be given an opportunity to present his defence in respect of allegations within such time as may be allowed by the Inquiry Officer.

(6) The Inquiry Officer shall have power to call witnesses and record their statements or receive evidence on

***The Permanent Lok Adalat (Other Terms and Conditions of Appointment of
Chairman and Other Persons) Rules, 2003***

affidavits or call for production of documents or other relevant records, which may be necessary for the inquiry.

(7) The Inquiry Officer shall submit his report within a period of six months or within such time as may be extended by the Central Authority or, as the case may be, State Authority.

(8) If the Central Authority or, as the case may be, State Authority is satisfied that the charges are proved on the basis of the report submitted by the Inquiry Officer, it shall remove the delinquent Chairman or other person, as the case may be.

7. Place of sittings – (1) The Permanent Lok Adalat may sit at a place specified by the Central Authority or the State Authority, as the case may be.

(2) The working days and office hours of the Permanent Lok Adalat shall be the same as that of the Central Government or the State Government, as the case may be.

(3) The sitting of the Permanent Lok Adalat, as and when necessary, shall be convened by the Chairman.

8. Staff of Permanent Lok Adalat – The Central Government or the State Government, as the case may be, shall provide such staff as may be necessary to assist the Permanent Lok Adalat in its day-to-day work and perform such other functions as are provided under the Act and these rules or assigned to it by the Chairman. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.

MEDIATION RULES-2015

Rule 1: Title

These Rules shall be called the Mediation Rules, 2015.

Rule 2: Function of the Mediation Centre:

(1) To maintain a panel of trained Mediators sufficient in number to meet the requirement of work referred to the Mediation Centre.

(2) On receipt of the matter by way of referral for mediation, the Co-ordinator of the Mediation Centre may assign the matter to any mediator who is best suited to deal with the matter from the panel of mediators maintained by the Mediation Centre.

(3) The Mediation shall not be limited only to the issues in the referred dispute and the Mediator may take into account the disputes between the parties to a case which are not the subject of the pending litigation, and may resolve all disputes between the parties.

(4) During the Mediation, counsel for the parties may also participate in the mediation process.

(5) In appropriate cases, the Mediation Centre may invite any person/persons, other than those who are involved in the pending litigation to join the Mediation for the purpose of finding comprehensive and complete solutions including an expert pertaining to any field.

(6) If any party to the dispute referred to Mediation has any objection to the mediator assigned to it, the said party shall inform the Mediation Centre of the same and thereafter the Co-ordinator, Mediation Centre shall endeavour to appoint a Mediator who may be acceptable to all the parties.

Rule 3: Appointment of Mediator

- a) In a Court annexed mediation, the coordinator of the mediation centre shall appoint the mediator as he may deem fit.
- b) In exceptional cases, the Court may also appoint a mediator who is not necessarily from the panel of Mediators referred to in Rule 4 nor bear the qualifications referred to in Rule 5 but should not be a person who suffers from the disqualifications referred to in Rule 6.

Rule 4: Panel of Mediators.

- a) The High Court shall empanel only those persons as mediators who have necessary qualifications as indicated in Rule 5 and a list of such mediators empanelled with the mediation centre should be prepared.

- b) The District Court shall also prepare a panel of qualified Mediators with the approval of the High Court Mediation Committee.

All the mediators as appointed under clause (a) and clause (b) shall normally be on the panel for a period of 3 years from the date of appointment and further extension of their tenure shall be at the discretion of High Court Mediation Committee.

Rule 5: Qualifications of persons to be empanelled under Rule 3:

The following persons are eligible for training as Mediators:

- a)
 - (i) Retired Judges of the Supreme Court of India,
 - (ii) Retired Judges of the High Court;
 - (iii) Retired District and Sessions Judges or retired Judges of the Courts of equivalent status.
 - (iv) Judicial Officers of Higher Judicial Service.
- b) Legal practitioners with at least 10 years standing at the bar at the level of the Supreme Court or the High Court or the District Court or equivalent status;
- c) Experts or other professionals with at least fifteen years' standing; or retired senior bureaucrats or retired senior executives;

Rule 6: Disqualification of persons.

The following persons shall be deemed to be disqualified for being empanelled as mediators:

- a) any person who has been adjudged as insolvent or persons
 - (i) against whom criminal charges involving moral turpitude are framed by a criminal court and are pending, or
 - (ii) persons who have been convicted by a criminal court for any offence involving moral turpitude.
- b) any person against whom disciplinary proceedings have been initiated by the appropriate disciplinary authority which are pending or have resulted in a punishment.
- c) any person who is interested or connected with the subject- matter of dispute(s) or is related to any one of the parties or to those who represent them, unless such objection is waived by all the parties in writing.
- d) Any legal practitioner who has or is appearing for any of the parties

in the suit or in other proceeding(s).

Rule 7: Addition to or deletion from panel.

There shall be periodical assessment of the performance of the mediators. The High Court or the District & Sessions Judge with prior approval of the High Court Mediation Committee, may in its/his discretion, from time to time, add or delete any person in the panel of mediators.

Rule 8: Preference.

The Coordinator shall, while nominating any person from the panel of mediators referred to in Rule 3, consider his suitability for resolving the dispute (s) involved and shall give preference to those who have proven record of successful mediation or who have special qualification or experience in mediation.

Nomination to a mediation proceeding shall not be perceived as a right by mediators. Such nomination shall be at the discretion of the Coordinator of the Mediation Centre.

Rule 9: Duty of mediator to disclose certain facts.

- a) When a person is approached in connection with his proposed appointment as mediator, he shall disclose any circumstance likely to give rise to a reasonable doubt as to his independence or impartiality.
- b) Every Mediator shall from the time of his appointment and throughout continuance of the mediation proceedings, without delay, disclose to the parties, about the existence of any circumstance referred to in Clause (a).

Rule 10: Withdrawal of appointment.

Upon information furnished by the mediator under Rule 9 or upon any other information received from the parties or other persons, if the Court, in which the suit or proceeding is pending or the coordinator of the Mediation Centre, is satisfied, that the said information has raised a reasonable doubt as to the mediator's independence or impartiality, it/he may withdraw the appointment and replace him by another mediator.

Rule 11: Mediation process.

- a) All civil and criminal compoundable matters may be referred to mediation during the course of litigation, by the Court.
- b) The mediation process will comprise of reference as well as the steps taken by the mediator to facilitate the settlement of a referred matter by following the structure usually followed, including but

not limited to introduction and opening statement, joint session, separate session(s) and closing.

- c) failure to arrive at a settlement would not preclude the Court from making fresh reference of the matter for mediation.
- d) In case of failure of resolution of the referred dispute, the Mediator shall inform the Mediation Centre, by a report and the Co-ordinator of the Mediation Centre shall inform regarding the same to the Court.

Rule 12: Mediator not bound by Indian Evidence Act, 1872 or Code of Civil Procedure, 1908.

The mediator shall not be bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872, but shall be guided by the principles of fairness and justice, having regard to the rights and obligations of the parties, usages of trade, if any, and the circumstances of the dispute(s).

Rule 13: Representation of parties.

The parties shall ordinarily be present personally or through constituted attorney at the sessions notified by the Mediator. They may also be represented by a counsel with permission of the mediator in such sessions.

Rule 14: Consequences of non-attendance of parties at sessions on due dates.

If a party fails to attend a session notified by the mediator on account of deliberate or willful act, the other party or the mediator can apply to the Court in which the suit or proceeding is pending, in that case Court may issue the appropriate directions having regard to the facts and circumstances of the case.

Rule 15: Administrative assistance.

In order to facilitate the conduct of mediation proceedings, the parties, or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person.

Rule 16: Role of Mediator.

The mediators shall attempt to facilitate voluntary resolution of the dispute(s) by the parties. He shall assist them in understanding the problems, identifying the underlying issues, reducing misunderstandings, generating the options and developing option which are mutually acceptable to both the parties.

Rule 17: Parties alone responsible for taking decision.

The parties shall be made to understand that the mediator only facilitates in arriving at a decision to resolve dispute(s) and that he will not and cannot impose any settlement nor does the mediator give any assurance that the mediation will result in a settlement. The mediator shall not impose any decision on the parties.

Rule 18: Time limit for completion of mediation.

On the expiry of Ninety days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated, unless the Court, which referred the matter, either suo moto, or upon request by any of the parties, and upon hearing all the parties, is of the view that extension of time is necessary or may be useful; but such extension shall not be beyond a further period of thirty days.

Rule 19: Parties to act in good faith

All the parties shall commit to participate in the proceedings in good faith with the intention to settle the dispute (s), if possible.

Rule 20: Confidentiality, disclosure and inadmissibility of information.

- 1) When a mediator receives factual information concerning the dispute from any party, he shall disclose the substance of that information to the other party, so that the other party may have an opportunity to present such explanation as it may consider appropriate.

Provided that, when a party gives information to the mediator subject to a specific condition that it be kept confidential, the mediator shall not disclose the information to the other party.

- 2) Receipt or perusal of any document by the mediator or receipt of information orally by the mediator while serving in that capacity, shall be confidential and the mediator shall not be compelled to divulge information regarding the document or record or oral information nor as to what transpired during the mediation.
- 3) Parties shall maintain confidentiality in respect of events that transpired during the mediation and shall not rely on or introduce the said information in any proceeding as to :-
 - (a) views expressed by a party in the course of the mediation proceeding;
 - (b) documents produced during the mediation which were expressly required to be treated as confidential or other notes or drafts or information given by the parties to the mediators.
 - (c) proposal made or views expressed by the mediator.

- (d) admission made by a party in the course of mediation proceeding.
 - (e) the fact that a party had or had not indicated willingness to accept a proposal.
- 4) There shall be no stenographic or audio or video recording of the mediation proceedings.
 - 5) A mediator may maintain personal record regarding progress of the mediation for his personal use.

Rule 21: Privacy:

The mediation sessions shall be conducted in complete privacy; only the concerned parties or their counsels or power of attorney holders can attend, other persons may attend only with the consent of the parties and permission of the mediator.

Rule 22: Immunity:

No mediator shall be held liable for anything bonafidely done or omitted to be done by him during the mediation proceedings for civil or criminal action nor shall he be summoned by any party to the suit or proceeding to appear in a Court of Law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.

Rule 23: Communication between mediator and the Court:

- (1) In order to preserve the confidence of parties in the Court and the neutrality of the mediator, there should be no communication between the mediator and the Court, except as stated in sub-rules (2) and (3) of this Rule.
- (2) If any communication between the mediator and the Court is necessary, it shall be in writing and copies of the same shall be given to the parties or their constituted attorneys or the counsel.
- (3) All communication between the mediator and the Court shall be made only by the mediator and in respect of the following matters:
 - (a) The failure of a party or parties to attend; or
 - (b) The mediator's assessment that the case is not suited for settlement through mediation; or
 - (c) Settlement of dispute or disputes arrived at between parties.

Rule 24: Settlement agreement:

Where an agreement is reached between the parties with regard to all the issues in the suit or proceeding or some of the issues, the same shall be reduced to writing and signed by the parties or their constituted attorney. If any counsel has represented the parties, the mediator may obtain his signature also on the settlement agreement.

- (1) The agreement of the parties so signed shall be submitted to the Co-ordinator, Mediation Centre, who shall, with a covering letter signed by him forward the same to the Court in which the suit or proceeding is pending.
- (2) Where no agreement is arrived at between the parties or where the mediator is of the view that no settlement is possible, he shall report the same in writing to the Co-ordinator, Mediation Centre, who shall, with a covering letter signed by him forward the same to the Court in which the suit or proceeding is pending.

Rule 25: Court to record settlement and pass decree:

On receipt of settlement agreement, if the Court is satisfied that the parties have settled their disputes voluntarily, the Court may pass appropriate order/decreed on the basis of settlement, if the same is not found collusive/illegal/unworkable. However if the settlement disposed of only certain issues arising in the matter, the Court may record settlement in respect of the issues settled in the mediation and may proceed to decide other issue which are not settled. Settlement between the parties shall be final in respect of the proceedings pending before the court.

Rule 26: Fee of the Mediators:

- (a) the mediators shall be paid honorarium as under:

S. No.	Nature of case	Honorarium
1	On settlement through mediation of a matrimonial case (including criminal), custody, guardianship, probate, partition and possession.	Rs. 3000/- per case (with two or more connected cases, the maximum would be Rs. 4000/-)
2	All other matters.	Rs. 2000/- per case (with two or more connected cases, the maximum would be Rs. 3000/-)
3	Connected case	Rs. 500/- per case subject to a maximum of Rs. 1000/- (regardless of the number of connected cases)
4	In case of no settlement	No honorarium.

It is subject to revision from time to time as deemed fit by the Hon'ble Chairman and Members of MCPC.

- (b) However, in exceptional cases the Court may fix consolidated amount as fee of the **Court nominated** mediator/Mediators.
- (c) Each party shall bear the cost for production of their witnesses and experts, as also for production of documents.

Rule 27: Ethics and code of conduct for mediator:

The Mediator shall follow and observe these Rules strictly and with due diligence.

- (1) Not indulge in conduct unbecoming of a mediator.
- (2) Uphold the integrity and fairness of the mediation process.
- (3) ensure that the parties involved in the mediation are fairly informed and have an adequate understanding of the procedural aspects of the mediation process.
- (4) While communicating with the parties avoid any impropriety or appearance of impropriety.
- (5) The mediator must avoid mediating in cases where they have direct personal, professional or financial interest in the outcome of the dispute. If the mediator has any indirect interest, he is bound to disclose to the parties such indirect interest at the earliest opportunity and he shall not mediate in the case unless the parties specifically agree to accept him as mediator, despite such indirect interest.
- (6) Where the mediator is an advocate, he shall not appear for any of the parties in respect of the dispute which he had mediated.
- (7) Mediators have a duty to know the limits of their competence and ability in order to avoid taking on assignments which they are not equipped to handle.
- (8) Mediators have a duty to remain neutral throughout the mediation.
- (9) Mediators must respect the voluntary nature of mediation and must recognize the rights of the parties to withdraw from the mediation at any stage.
- (10) Mediation being confidential in nature, a mediator shall be faithful to the confidentiality reposed in him.
- (11) Mediator has a duty to encourage the parties to make their own decisions both individually and collectively about the resolution of the dispute, rather than imposing his own ideas on the parties. Self

determination is the essence of the mediation process.

- (12) Settlement of dispute must be based on informed consent.
- (13) Conduct all proceeding relating to the resolution of dispute in accordance with the law.
- (14) Mediator must refrain from promises or guarantee of results.

Rule 28: Consequences of breach of Rule 27:

It shall be open to the Coordinator to take such action with the approval of the High Court Mediation Committee as may be appropriate if the mediator violates any code of conduct expressed in Rule 27 or behaves in a manner not expected of him as a mediator”.

Notification

The 3rd April, 2013 (as amended vide Haryana Government Notification dated 28th August, 2015)

No. S.C. 41/C.A. 2/1974/S. 357-A/2013. - In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Haryana in co-ordination with the Central Government hereby frames the following scheme for providing funds for the purpose of compensation to the victim or his/her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:-

1. This scheme shall be called the Haryana Victim Compensation Scheme, 2013. Short title

2. In this scheme, unless the context otherwise requires,-- Definitions
 - a) “act” means the Code of Criminal Procedure, 1973(2 of 1974);
 - b) “crime” means illegal act of omission or commission or an offence committed against the human body of the victim;
 - c) “dependents” means wife/husband, father, mother, unmarried daughter, minor children and includes other legal heir of the victim who, on providing sufficient proof, is found fully dependent on the victim by the District Legal Services Authority;
 - d) “family” means parents, children and includes all blood relations living in the same household;
 - e) “schedule” means Schedule appended to this scheme;
 - f) “state” means the “State of Haryana”.
 - g) ***Victim means victim as defined under the Act and also includes acid attack victim”¹**

3.
 - (1) There shall be constituted a fund namely Victim Compensation Fund. Victim Compensation Fund
 - (2) The Victim Compensation Fund shall consist of,--
 - (a) budgetary allocation for which necessary provision shall be made in the annual budget by the State:
 - (b) receipt of amount of fines imposed under section 357

¹ Inserted vide Haryana Government GAZ. (EXTRA) Notification dated 28.8.2015.

of the Act and ordered to be deposited by the courts in the Fund.

- (c) amount of compensation recovered from the wrongdoer/accused under clause 7 of the Scheme.
- (d) donations/contributions from international National Philanthropist/charitable institution/organization and individuals.

- (3) The Administration of Justice department shall be Nodal Department for regulating, administering and monitoring this scheme.
- (4) The State Legal Services Authority shall be accountable for its functions under the scheme and for furnishing periodical returns of the sums distributed to them by the State Government through the Nodal Department.
- (5) The Fund shall be operated by the Member Secretary, State Legal Services Authority.

Eligibility for compensation.

- 4. (1) A victim shall be eligible for the grant of compensation where,--
 - (a) A recommendation is made by the Court under sub section (2) and (3) of section 357-A of the Act of the offender is not traced or identified, and where no trial takes place, such victim may also apply grant of compensation under sub-section (4) of section 357-A of the Act;
 - (b) The victim/claimant reports the crime to the officer-in-charge of the police station or any senior police officer or Executive Magistrate or Judicial Magistrate of the area within 48 hours of the occurrence:

Provided that the District Legal Service Authority if satisfied for the reasons to be recorded in writing, may condone that delay in reporting;

- (c) The offender is traced or identified, and where trial has taken place, the victim/claimant has cooperated with the police and prosecution during the investigation and trial of the case;
- (d) The income of the family should not exceed Rs.4.5 Lac per annum;
- (e) The Crime on account of which the compensation which to be paid under this

scheme should have been occurred within the jurisdiction of Haryana State.

- (2) The employees of Central/State Government, Boards, Corporations and Public Undertakings and income tax payees shall not be eligible under this scheme.

5. (1) Whenever a recommendation is made by the Court under sub-section (2) of section 357-A of the Act or an application is made by any victim or his dependent under sub-section (4) of section 357-A of the Act to the District Legal Services Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness of the claim. After verifying the claim and by conducting due enquiry, the District Legal Service Authority, the District Legal Services Authority shall award compensation within two months, in accordance with provisions of this scheme.

(2) Compensation under this scheme shall be paid subject to the condition that if the trial court while passing judgment at later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, the victim-claimant shall remit an amount equal to the amount of compensation, or the amount ordered to be paid under the said sub-section (3) of section 357 of the Act, whichever is less. An undertaking to this effect shall be given by the victim-claimant on before the disbursal of the compensation amount.

***Provided that the compensation payable under this scheme shall be in addition to the payment of the fine to the victim under section 326 A or section 376 D of the Indian Penal Code.²**

(3) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The compensation may vary from case depending on fact of each case.

(4) The quantum of compensation to be awarded to the victim or his dependents shall be as per Schedule I.

(5) The amount of compensation decided under the scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund. While making payment of amount of compensation, the District Legal Services Authority shall ensure that all the provisions of this scheme are strictly complied with.

***“(5A) Notwithstanding anything in this scheme, the Acid Attack Victim shall be paid amount of Rs.1.00 lac within 15 days of the**

² Inserted vide Haryana Government GAZ. (EXTRA) Notification dated 28.8.2015.

occurrence of the incident and the and the balance amount of Rs.2.00 lacs shall be paid within two months of such incident.³

(6) Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under any other Act or 'Rajiv Gandhi Pariwar Bima Yojna' or any other State-run scheme, shall be considered as part of the compensation amount under this scheme, the victim/claimant who has received compensation amount from collateral sources mentioned above shall be deemed to be compensated under this scheme and shall not be entitled to separate compensation under this scheme. If the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of Fund.

(7) The cases covered under Motor Vehicle Act, 1988 (59 of 1998) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.

(8) The District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer-in-charge of the police station or Magistrate of the area concerned, or any other interim relief, as it may deem fit.

Order to be placed on record.

6. Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to enable the court to pass order of compensation under sub-section (3) of section 357 of the Act.

Recovery of Compensation awarded to victim from wrongdoer/accused.

7. The District Legal Services Authority, if deem it proper, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or his/her dependent(s) from the person responsible for causing loss or injury as a result of the crime committed by him.

Limitation.

8. No claim made by the victim or his dependents under sub-section (4) of section 357-A of the Act shall be entertained after a period of six months of the crime:

“Provided further that as a one time measure, the case occurred on or after first January, 2012 shall also be considered within six months from the date of this notification.”⁴

Provided that the District Legal Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

Appeal.

9. Any victim aggrieved of the denial of compensation by the Appeal. District Legal Services Authority may file an appeal before the State Legal Service Authority within a period of ninety days:

³ Inserted vide Haryana Government GAZ. (EXTRA) Notification dated 28.8.2015.

⁴ Inserted vide Haryana Government GAZ. (EXTRA) Notification dated 28.8.2015.

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing in appeal.

⁵**Schedule I**

<i>Sr. No.</i>	<i>Description of Injures/Loss</i>	<i>Minimum Amount of Compensation</i>
1.	Acid attach	₹ 3 Lakhs
2.	Rape	₹ 3 Lakhs
3.	Physical abuse of minor	₹ 2 Lakhs
4.	Rehabilitation of Victim of Human Trafficking	₹ 1 Lakhs
5.	Sexual assault (Excluding rape)	₹ 50,000/-
6.	Death	₹ 2 Lakhs
7.	Permanent Disability (80% or more)	₹ 2 Lakhs
8.	Partial Disability (40% to 80%)	₹ 1 Lakhs
9.	Burns affecting greater than 25% of the body (excluding Acid Attack cases)	₹ 2 Lakhs
10.	Loss of foetus	₹ 50,000/-
11.	Loss of fertility	₹ 1.5 Lakhs
12.	Women Victims of cross border firing:	₹ 2 Lakhs
	(a) Death or Permanent Disability (80% or more)	₹ 1 Lakhs
	(b) Partial Disability (40% to 80%)	

⁵ If the victim is less than 14 years of age, the compensation shall be increased by 50% over the amount specified above.

VIII

Government of India

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

Notification

New Delhi, the 9th November, 1995

S.O. 893(E). – In exercise of the powers conferred by sub-section (3) of Section 1 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby appoints the 9th November, 1995 as the date on which all the provisions of the said Act except Chapter III shall come into force.

[F.No.6(10)/89-
CILAS]
Dr. V.K. Agarwal,
Addl. Secy.

Government of India

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

New Delhi, the 3rd April, 1996

Notification

S.O.(E) – In exercise of the powers conferred by sub-section (3) of section 1 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby appoints 3rd April, 1996 as the date on which the provisions of chapter III of the said Act shall come into force in the State of Haryana.

(Dr.V.K. Agarwal)
Additional Secretary to
the
Government of India
F.No.6(1)(7)/95-
NALSA

HARYANA GOVERNMENT

ADMINISTRATION OF JUSTICE DEPARTMENT

NOTIFICATION

The 15th October, 1997

No.20/10/96-4JJ(I) – In exercise of the powers conferred by sub-section (1) of section 6 of the Legal Services Authorities Act, 1987 (Central Act No.39 of 1987) read with rule 3 of the Haryana State Legal Services Authority Rules, 1996 the Governor of Haryana hereby constitutes a body to be called the State Authority for the State of Haryana to exercise the powers and perform the functions conferred on, or assigned to, it under the aforesaid Act and rules and consisting of the following members, namely :-

1. Hon'ble Chief Justice of High Court of Punjab and Haryana.
Patron-in-Chief
2. Name of the Hon'ble Judge shall be notified separately.
Executive Chairman
3. Secretary to Government, Haryana Administration of Justice Department.
Member
4. Secretary to Government, Haryana, Finance Department.
Member
5. Secretary to Government, Haryana, Law and Legislative Department
Member
6. Advocate General, Haryana.
Member
7. Director General of Police, Haryana.
Member
8. Chairman, Bar Council of Haryana & Punjab.
Member
9. Director, Public Relations Department, Haryana.
Member
10. Member Secretary of the State Authority.
Member

The names of nominated members of the State Authority shall be notified later on.

K.G.VARMA
Financial Commissioner &
Secretary to Government,
Haryana, Administration of
Justice Department.

HARYANA GOVERNMENT

Administration of Justice Department

Notification

The 15th October, 1997

No.20/10/96-4JJ(I) – In exercise of the powers conferred by sub-section (1) of section 9 of the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) read with rule 15 of the Haryana State Legal Services Authority Rules, 1996, the Governor of Haryana, hereby constitutes a body for every district in the State of Haryana to be called the District Authority to exercise the powers and perform the functions conferred on, or assigned to it under the aforesaid Act, for the said district consisting of the following ex-officio members, namely :-

- | | |
|---|----------|
| 1. District & Sessions Judge | Chairman |
| 2. District Magistrate | Member |
| 3. Superintendent of Police | Member |
| 4. District Attorney | Member |
| 5. Chief Judicial Magistrate
Secretary | Member |

The names of nominated members of each District Legal Services Authority shall be notified later on.

K.G.VARMA
Financial Commissioner &
Secretary to
Government, Haryana,
Administration of
Justice Department.

HARYANA STATE LEGAL SERVICES AUTHORITY

NOTIFICATION

The 23rd December, 1997

No. MS/HLSA/2(18). – In the meeting of the Haryana State Legal Services Authority held on 15.12.97 under the Chairmanship of the Hon'ble Chief Justice, Punjab and Haryana High Court as Patron-in-Chief, it was decided that the Executive Chairman of the State Authority, shall have the power of general superintendence/direction, control and management for day to day working of the State Authority.

It is, therefore, ordered that the Executive Chairman of the State Authority shall have the powers of general superintendence, direction, control and management for day to day working of the State Authority.

By Order of the
Haryana State Legal
Services Authority,
Chandigarh.

HARYANA GOVERNMENT

Administration of Justice Department

Order

The Governor of Haryana is pleased to declare Member Secretary, Haryana State Legal Services Authority, as “Head of Department”.

Dated Chandigarh
Secretary to the 29.7.1998.
Administration

K.G.VARMA
Financial Commissioner &
Government, Haryana,
of Justice Department.

Endst. No. 20/7/97-4JJ (I)

Dated 29.7.98

HARYANA GOVERNMENT

ADMINISTRATION OF JUSTICE DEPARTMENT

Notification

The 10th August, 2011

No.20/10/1996-4JJ(1). – In exercise of the powers conferred by clause (c) Sub-section (2) of Section 6 of the Legal Services Authorities Act, 1987 (Central Act No.39 of 1987), read with Sub-Rule (2) of rule 3 of the Haryana State Legal Services Authority Rules, 1996, the Governor of Haryana, in consultation with the Chief Justice of the Punjab and Haryana High Court, hereby makes the following amendment in the Haryana Government, Administration of Justice Department, Notification No.20/10/96-4JJ(I), dated the 15th October, 1997, namely:-

AMENDMENT

In the Haryana Government, Administration of Justice Department, Notification No.20/10/96-4JJ(1), dated 15th October, 1997 after serial number 15 and entries there against, the following serial numbers, and entries there against shall be added at the end namely:-

- “16. The Sectary in the Department of Higher Education : Member
17. The Sectary in the Department of Secondary Education : Member”.

SAMIR MATHUR,
Financial Commissioner and Principal Secretary to
Government Haryana, Home Department

PART-IV

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Correction Slip

The 27th August, 2014

No.177 Rules/II.D4 dated 22.8.14

Rule 4(6) of Chapter 17 of the Rules and Orders of Punjab and Haryana High Court, Volume-IV is amended as under:-

“4(6) Copies of records required by the Supreme Court Legal Aid Committee. High Court Legal Aid Committee, District Legal Service Authorities and Sub-Divisional Legal Services Committee constituted by the State Government/Union Territories, shall be supplied free of charge, provided that the application for copy is received from the Member Secretary/Secretary of such Committees/Authorities or any other person so authorized by them.”

BY ORDER OF HON'BLE THE ACTING CHIEF JUSTICE AND JUDGES.

Sd/-.....
Registrar Rules
For Registrar General

NALSA TOLL FREE HELPLINE NUMBER

15100

HIGH COURT LEGAL SERVICES COMMITTEE

0172-2718223 & 2718339

HALSA TOLL FREE HELPLINE NUMBER

1800-180-2057

CHANDIGARH (U.T.) TOLL FREE HELPLINE NUMBER

1800-180-2058

Helpline Numbers of District Legal Services Authorities

Sr. No.	District	Telephone Number	Sr. No.	District	Telephone Number
1.	Ambala	0171-2532142	12.	Kaithal	01746-235759
2.	Bhiwani	01664-245933	13.	Mewat at Nuh	01267-271072
3.	Charkhi Dadri	01250-223890	14.	Narnaul	01282-250322
4.	Faridabad	0129-2261898	15.	Panchkula	0172-2585566
5.	Fatehabad	01667-231174	16.	Panipat	0180-2640125
6.	Gurgaon	0124-2221501	17.	Palwal	01275-298003
7.	Hissar	01662-270078	18.	Rohtak	01262-257304
8.	Jind	01681-245048	19.	Rewari	01274-220062
9.	Jhajjar	01251-252013	20.	Sirsa	01666-247002
10.	Kurukshetra	01744-220216	21.	Sonepat	0130-2220057
11.	Karnal	0184-2266138	22.	Yamuna Nagar	01732-220840



HARYANA STATE LEGAL SERVICES AUTHORITY, CHANDIGARH

THIS AUTHORITY PROVIDES FREE LEGAL SERVICES TO THE POOR AND WEAKER SECTIONS OF SOCIETY.

"WHO ARE ELIGIBLE TO GET FREE LEGAL SERVICES"

Any citizen of India whose annual income from all sources does not exceed Rs.3,00,000/- or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services under clause (h) of Section 12 of the Act. The State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and the Sub-Divisional Legal Services Committee, as the case may be, may grant legal services to any other person irrespective of his income:-

- To a member of Scheduled Caste or Scheduled Tribe or Backward Classes;
- To a victim of trafficking in human beings or beggar as referred in Article 23 of the Constitution;
- To a woman;
- To a child, i.e. person who has not attained the age of 18 years or if he is under the guardianship under the Guardians and Wards Act, 1890 the age of 21 years;
- To a person with disability as defined in clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
- To a person, under circumstances of undeserved want such as being victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- To an industrial workman; or
- To a person in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956), or "Children's Home, Observation Home, Shelter Home and Special Home within the meaning of clause (e), (o), (u) and (v) respectively of section 2 of Juvenile Justice (Care and Protection of Children) Act, 2000(56 of 2000)."
- To a person in a psychiatric hospital or psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987; or
- In a test case, the decision of which is likely to affect cases of numerous other persons belonging to the poor and weaker sections of the society; or
- To a person, in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal service where the means test is not satisfied; or
- To a person in the case where the High Court or the Supreme Court provides legal service under any order in that case legal service would be deemed to have been provided by the Authority/Committee in relaxation of all the conditions laid down in this rule; or
- To a person in case of public interest litigation.
- To an ex-serviceman, and the families of such persons who have died in action; or
- To riot victims, and the families of such persons as well as terrorist victims and families of such persons; or
- To freedom fighters; or
- Transgender people; or
- Senior Citizen that is person who is citizen of India and has attained the age of 60 years or above.
- HIV positive persons or AIDS patients.

"WHOM TO CONTACT TO GET FREE LEGAL SERVICES"

At High Court Level	:	Member Secretary, Haryana State Legal Services Authority, Plot No.9, Sector-14, Panchkula.
At District Level	:	Chairman/Secretary, District Legal Services Authority or any Legal Aid Clinic or Front Office of District Legal Services Authority.
At Sub-Divisional Level	:	Chairman, Sub-Divisional Legal Services Committee or any Legal Aid Clinic or Front Office of Sub-Divisional Legal Services Committee.